

forgotten when the war banner may have to be unfurled. [Applause.]

The SPEAKER. The gentleman from Virginia moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the Senate amendments to the joint resolution were concurred in.

On motion of Mr. Flood of Virginia, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

#### ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to move to adjourn so we may take up Calendar Wednesday at 12 o'clock. I understand the Speaker desires to wait in order to sign—

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Can the Speaker sign an enrolled bill before it is messaged to the Senate?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MANN. Can the Speaker sign an enrolled bill before it has been messaged to the Senate that the House concurred in the Senate amendments?

The SPEAKER. The Chair never heard any question of that; never thought of it.

Mr. MANN. Nobody ever thought of it before?

Mr. UNDERWOOD. Mr. Speaker, I take it there is nothing in the rules that prevents a message to the Senate and an enrolled bill going to the Senate, both at the same time.

Mr. MANN. Well, there is a report of the Joint Committee on Enrolled Bills before an enrolled bill can be signed. The Joint Committee on Enrolled Bills, constituted partly of Senators, can not find a bill truly enrolled until the Senate is informed by the House that it has concurred in the Senate amendment. However, I have no objection—

The SPEAKER. The Chair has no doubt but that the gentleman from Illinois [Mr. MANN] is technically correct.

Mr. MANN. There will be no trouble in signing the enrolled resolution on Calendar Wednesday.

The SPEAKER. As to enrolled bills and resolutions, the Chair knows that it is not his business to attend to the enrolling, but when the Clerk sends one up here in proper form the Chair signs it.

Mr. MANN. It has to have a certificate with it.

The SPEAKER. It has to have a certificate with it.

Mr. MANN. The Speaker has the right to sign it on Calendar Wednesday.

#### ADJOURNMENT.

Mr. UNDERWOOD. I will say to the gentleman from Illinois [Mr. MANN], if he desires to raise any question about the matter, I am willing to move to adjourn, as the Speaker can sign the bill at 12 o'clock.

The SPEAKER. The gentleman from Alabama [Mr. Underwood] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes a. m.) the House adjourned until 12 o'clock noon.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 22, 1914.

The House met at 12 o'clock noon.

The Rev. William Couden, of Indianapolis, Ind., offered the following prayer:

O God, our help in ages past, our hope in years to come, look Thou upon us from Thy sapphire throne, consider our needs and weakness and continue to claim us as Thine forever. Leave us not, neither forsake us, O God of our salvation. Guide our Nation in the new experience that opens before us. Comfort those upon whom the cost of honor and justice falls most heavily. And in whatever we do help us as a people to identify ourselves completely with Thy truth and Thy love as revealed unto us in Jesus Christ. Amen.

The Journal of the proceedings of Tuesday, April 21, 1914, was read and approved.

#### ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 251. Joint resolution justifying the employment by the President of the armed forces of the United States.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 10138. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 251. Joint resolution justifying the employment by the President of the armed forces of the United States.

#### LEAVE OF ABSENCE.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague, Mr. FINLEY, for 10 days, on account of important business.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for leave of absence for his colleague, Mr. FINLEY. Is there objection?

There was no objection.

#### MINE STRIKE IN COLORADO.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. MANN. On what subject?

Mr. FOSTER. On the subject of the mine strike in Colorado.

Mr. MANN. Will there be any other requests to speak on the same subject?

Mr. FOSTER. Not that I know of.

Mr. MADDEN. Has it any connection with the investigation that the gentleman's committee has made?

Mr. FOSTER. Partly so. It is not a report.

Mr. MADDEN. Has the committee made its report?

Mr. FOSTER. No.

Mr. MURDOCK. There was a very serious affair out there yesterday. Is the gentleman going to address himself to that?

Mr. FOSTER. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Illinois will proceed.

Mr. FOSTER. Mr. Speaker, this House authorized the Committee on Mines and Mining to proceed to Colorado to investigate a strike which had been in existence there since the 23d of last September. After spending four weeks in the State of Colorado investigating the causes of that strike, we came back to Washington and have had the testimony printed and are now waiting for briefs to be filed. After returning to the city of Washington the hearings on that strike have been printed, and the committee is now awaiting, as I said, the time for the attorneys, both for the operators and the miners, to file their briefs, so that we may make a report to the House. Therefore I do not care at this time to express any opinion upon that strike. But I did desire at this time, in view of what took place there on last Monday, to say a word to you on the conditions that exist in the southern Colorado coal fields at this time.

On last Monday there occurred a battle between the strikers and the militia out at a place called Ludlow, where there are several hundred miners located in a tent colony. As you may know, when these strikers left the coal camps they were compelled to go to some place to live with their families. Upon nearly all this property owned by the mining company there is not a single, solitary house within those camps that a miner is permitted to own or permitted to rent, except by the consent of the company, and when the miners quit the employ of the company they were then compelled to move out to some other place. They did so, and organized this colony at Ludlow, which they occupied up until last Monday, when this battle came on, as described in the daily press and in telegrams that have come to me from that section of the State.

I am informed that the battle raged for 14 hours, and during that time the tent colony was fired on. In it were men, women, and children. The women, many of them, escaped to seek refuge in a place not far distant from the camp, in a gully, as we call it, or in an arroyo, as they call it in Colorado. Some of them took refuge in trenches that were dug for their protection in this colony, and when the tents all took fire there were 4 women and 11 children, as reported, who lost their lives through asphyxiation down in those trenches where they had gone for protection from the firing of the guns.

I do not know, nor is it known, now how many women and children other than those that have been discovered lost their lives in that tent colony when the fire took place, nor how many have been killed. But by the press dispatches of this morning,

in view of the fact that in Vera Cruz, in a foreign country, there occurred yesterday a battle which has startled our people, where 4 marines were killed and 21 injured, I call your attention to the fact that within our own borders in the United States, where these helpless women and children have been fired upon, there should have occurred the death of at least 4 women and 11 children, so far known. I regret, my friends, that in the State of Colorado—a State which its citizens should be proud of, a State which all the people should be proud of—there should occur these disturbances which produced the death of those innocent women and children of that Commonwealth.

A short time ago, at another station not far from Ludlow, there occurred at what was called the Forbes tent colony a murder, and then to restore order, as was declared, the State Militia of Colorado went there and tore down the tents of these striking miners. Those tents were not as we understand tents to be generally, but they were those people's homes, and the State militia piled them up there and compelled those people to seek other quarters, God only knows where.

Has it come to pass in this country of ours, my friends, that we shall be called upon to read in the daily press of the firing of State militia upon the innocent women and children of that community? I have here many telegrams and a good deal of literature showing this to be the case in the State of Colorado. I regret, my friends, that such should be the case, and I hope that when this report shall have been made we may be able to solve in some way the problem of these industrial disturbances that cause loss of life and loss of money to our people.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. CAMPBELL. Has the gentleman from Illinois any suggestion to make as to how we can avert further disasters of the kind to which he has referred?

Mr. FOSTER. I will say in answer to the gentleman that of course I realize that the Federal Government is limited in reference to matters within the States; and yet there might come a time when the constitutional rights of the citizens of a State, which are guaranteed to everyone, should be preserved by the Federal Government.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FOSTER. Yes.

Mr. COOPER. Is it or is it not a fact that some of these men in those tents, who are now striking miners, went there originally some years ago as strikebreakers?

Mr. FOSTER. In answer to the gentleman's question, I will say that 10 years ago there occurred a strike in the coal fields of Colorado. Large numbers of men were imported from other sections of the country to take the places of the strikers, and many of those men who were strikebreakers 10 years ago are the strikers of to-day. That is true. So I call the attention of the House to the enormity of this condition which exists in a sister State. May we not learn that human rights are above property rights, and that we may be able to settle these troubles that arise between employer and employee in a peaceful way, doing justice to both sides.

Mr. CULLOP. Will the gentleman yield there?

Mr. FOSTER. Yes.

Mr. CULLOP. Thus far the gentleman has not stated any cause for the battle on Monday. Which side opened the firing?

Mr. FOSTER. I will say to the gentleman from Indiana that I am not prepared to tell you who opened fire in this particular battle. The miners claim that the militia of the State of Colorado undertook—that they did try and that it was their intention—to drive the striking miners out of the State, and one of the ways in which they proposed to do that was by firing upon the tent colony, destroying it, and compelling those people to leave that section of the country, as they did in the Forbes tent colony. The militia claim that the strikers fired upon them. I am unprepared to tell you this morning all the facts in the case, as to just the particular way in which this battle was brought on.

Mr. CULLOP. Then, as I understand, the gentleman is not able to state now which side opened fire?

Mr. FOSTER. No; but we do know from other reports coming from that section of the country that those soldiers did fire upon this tent colony, and this tent colony was consumed by fire, and there went out the lives of 4 women and 11 innocent children, besides the number of mine strikers and militia who have been killed.

The SPEAKER. The time of the gentleman has expired.

Mr. AUSTIN. Does the gentleman desire any more time?

Mr. FOSTER. I ask for two minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. AVIS. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from West Virginia?

Mr. FOSTER. I do.

Mr. AVIS. I want to ask whether this committee, under the authority heretofore given, would have the right to investigate this trouble and make a report to this House and recommend some action?

Mr. FOSTER. I think possibly the committee has that right.

Mr. AVIS. If it has not that right, does not the gentleman think it would be wise to ask the House for it?

Mr. FOSTER. In view of all that has occurred there, I think it wise that this battle should be investigated—that we should know the facts in the case, if it is possible to find out.

Mr. FESS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FESS. The gentleman referred to the authority of the Federal Government. The Federal Constitution guarantees to each State a republican form of government. Does the gentleman mean that there is not a republican form of government in Colorado?

Mr. FOSTER. I beg to state to my friend from Ohio that I would not like to give an opinion upon that question at this time. In view of not having made our report, I would not like to express an opinion; but in view of the enormity of the trouble that has occurred out there in the last few days, I felt it my duty to say this to the House of Representatives and to the country in order that it might awaken some feeling somewhere, so that this industrial disturbance might be stopped and the loss of life might cease.

Mr. KINDEL. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KINDEL. I will ask the gentleman how he got his information in this matter.

Mr. FOSTER. I will say to my friend from Colorado that I have information from the head officials of the miners. I have also information through another source—from a bulletin coming from the press in that State; for instance, from the Pueblo Chieftian, which is a leading newspaper of that section of the country.

Mr. KINDEL. The reason I ask is that the reports I saw yesterday in the Washington papers stated that there were 13 killed—11 strikers, 1 militiaman, and 1 noncombatant.

Mr. FOSTER. I think there were more than that. We do not know yet exactly how many men have been killed in the tent colony at Ludlow—how many women and children have been suffocated and burned there. When we think of such occurrences it is enough to awaken in us a pity and shame that in this fair land of ours that such should be the case. Which side may be to blame, it should not exist. We boast of our civilization, and yet there seems to be no way to settle these disputes without loss of life and destruction of property. Let us all do what we can to bring about a better feeling and a closer relation of both employer and employee, that when differences do come that they may be settled peacefully.

Mr. TAYLOR of Colorado. Will the gentleman submit to another question?

Mr. FOSTER. Yes.

Mr. TAYLOR of Colorado. Does not the gentleman think it would be best for the committee to investigate this matter definitely, and after the committee have gotten the facts in some other way than by telegram, and by actual investigation, either by going out there or by some other definite and reliable method, then report to the House on the matter?

Mr. FOSTER. The committee will endeavor to report these disturbances to the House in so far as they are able to secure the facts.

The SPEAKER. The time of the gentleman has again expired.

Mr. FOSTER. I ask for three minutes more.

The SPEAKER. The gentleman from Illinois asks for three minutes. Is there objection?

There was no objection.

Mr. FOSTER. In view of my connection with this investigation I felt that I ought to come to the House and relate these circumstances, so that my statement may go into the Record and the attention of the House be called to it, and, if possible, the attention of the country be brought to view the enormity of this condition.

Mr. GARNER. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GARNER. I do not know that the gentleman wishes to express an opinion at this time, before he makes his report, but I should like to know whether he believes the militia are act-



ing impartially in the enforcement of the law and the protection of life in that country?

Mr. FOSTER. I will give the gentleman this illustration, which is undisputed. I would not mention it except that it has been undisputed. A man who was a mine guard previous to the militia being called into the strike region of Colorado testified on the witness stand in the city of Denver—and he was at the time dressed in the uniform of a State militiaman—that he was a mine guard, belonging to Troop B, of Denver, and being paid at the rate of \$3 a day by the mine operators, and was also drawing a salary from the State as a militiaman. You can draw your own conclusions whether that man was an impartial militiaman or not.

Mr. AVIS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. AVIS. I want to ask the gentleman if he thinks there is anything the House can do at this time without investigation or formal report upon that matter?

Mr. FOSTER. I think not, unless Congress should see fit—and I am not saying whether or not the President or whether or not Congress should have the right—to call upon the governor of the State of Colorado to preserve order and protect the lives of innocent people.

Mr. COOPER. Is the gentleman prepared to say about what proportion of the militia—what number of them in that vicinity—were in the employ of the mine operators or receiving pay from the mine operators?

Mr. FOSTER. I can not; it was testified to by men not now in the militia or in the employ of the mine operators that that was the case. I mention this one case because it was undisputed.

Mr. COOPER. He was in uniform when he testified?

Mr. FOSTER. He was in uniform when he testified.

Mr. PLATT. Was the man an officer and responsible, or was it under orders?

Mr. FOSTER. I am not sure; I can not answer positively.

Mr. PLATT. It makes all the difference in the world.

Mr. FOSTER. He may have been a petty officer, but my recollection is he was a private.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. FOSTER. I ask for two minutes more.

The SPEAKER. The gentleman from Illinois asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. CRAMTON. Is the chairman of the Committee on Mines and Mining in a position to give any opinion as to the probable time when a report will be made on the Colorado and Michigan investigations?

Mr. FOSTER. I do not know anything about the Michigan investigation. The gentleman from Colorado, the chairman of the subcommittee, might be able to tell the gentleman something about the Michigan investigation. Let me say that it was agreed between the attorneys for the miners and the operators before we left Denver, Colo., that after all the testimony had been printed they should have 20 days in which to file briefs before the report was made. So that we are anxiously waiting and hoping that we may be able to make a report soon to this House. I can not tell what the report is going to be, because I do not know. The committee has not taken up the matter, but we hope to make a report at the earliest possible date after the attorneys file their briefs.

Mr. CRAMTON. If the gentleman will permit, I asked the question because the gentleman is chairman of the full committee, and if I may be permitted I should like to express the hope that inasmuch as the investigation was by reason of very serious charges affecting the good name of the State, and the investigation has been completed, it seems to me that it is only fair to the State and the people and its officials that the report should be made as promptly as possible.

Mr. FOSTER. I have no doubt it will be made as soon as we are able to do it. We are dealing with attorneys out there who desire time to file briefs, and we gave them the time.

Under leave to extend my remarks I am printing some press notices and telegrams which have been forwarded to me.

[From the Washington Times, April 22, 1914.]

THIRTY-THREE DEAD IN LUDLOW MINE BATTLE.

DENVER, April 22.

Details of the 14-hour battle at Ludlow were revealed in dispatches from Trinidad and official reports to Acting Gov. Fitzgerald from militiamen in the field to-day.

Thirty-three known dead, more than two-thirds of whom are women and children; a score missing; and more than a score wounded—this is the toll of the battle.

With arms ready, both sides to-day awaited a resumption of the blood-letting. Several companies of militia, recruited from mine guards employed by the coal operators, are encamped at Ludlow, and to-day are preparing for a machine-gun sortie from their position along the Colorado and Southern railroad. On the surrounding hills, sheltered by rocks and boulders, 400 strikers awaited their coming.

John McLennan, district president of the United Miners, to-day telegraphed the Red Cross from Trinidad to be ready to render aid.

[From the Washington Post, April 22, 1914.]

TWENTY-SIX MINE WAR TOLL—FOUR WOMEN AND 13 CHILDREN PERISH IN FIRE—DEATH LIST MAY REACH 50—NEW BATTLE BETWEEN MINERS AND TROOPS IS FEARED—FAMILIES OF STRIKERS, HIDDEN IN TRENCHES DURING 14 HOURS' FIGHTING AT LUDLOW CAMP MONDAY. VICTIMS OF BLAZE AS MACHINE GUNS RAKE COLONY—SPECIAL SESSION OF LEGISLATURE MAY BE CALLED TO DEAL WITH SITUATION.

TRINIDAD, COLO., April 21.

With 7 identified dead in Trinidad morgues and a list of 18 missing and reported dead, the toll of yesterday's battle between State troops and strikers at and near Ludlow probably will exceed 25. Among those reported missing are 4 women and 13 children, who are believed to have been suffocated by the fire that destroyed the strikers' tents at the close of yesterday's fight. Earlier in the day they had hidden in trenches in the colony to escape the rifle and machine gun fire that raked the tents. The list of known injured consists of three soldiers, who were brought to Trinidad to-night.

TRINIDAD HORROR-STRIKEN.

Trinidad is horror-stricken to-night by reports of the number of women, children, and noncombatants who lost their lives in yesterday's fight and in the fire that followed.

"It is horrible," said John McLennan, president of district 15, United Mine Workers of America, who is in charge at local headquarters.

"They were trapped without a chance of escape." "The bodies of 2 women and 10 children were seen in one trench." It was announced at the Ludlow military camp to-night. "God only knows how many yet will be found."

BLAMES STRIKERS FOR BATTLE.

Maj. Hamrock to-night reiterated the statement that the fighting was precipitated by a band of Greek strikers under Louis Tikas, who opened fire upon military tents at Ludlow. The soldiers were driven out of their camps by bullets, according to the officer.

The union officials issued no statement.

More than 200 women and children refugees from the burned colony are to-night being cared for in Trinidad.

FEAR NEW ATTACK.

A force of armed strikers estimated at 600 or more is intrenched in the hills north and east of the ruins of the tents. Two hundred militiamen under Maj. Hamrock, Capt. Carson, and Lieuts Linderfelt, Lawrence, and Chase are stationed in and about Ludlow.

Militiamen and strikers to-day professed fear of an attack should they appear to search for bodies among the ruins of the colony. Undertakers with a flag of truce left to-night to search for bodies.

A new supply of ammunition is said to have been received by both militiamen and strikers during the day. Extra sentries have been posted on both sides. The troops are said to be preparing to move on the men in the hills. The troops are in possession of four machine guns. The problem of food and water has become a serious one on both sides.

LIST OF KNOWN DEAD.

Besides those mentioned, others known to be dead are:

A. Martin, private, Company A, Denver; two foreign-born strikers, a brewery worker of Trinidad, Frank Snyder, aged 12, son of a striker, of Ludlow, and James Fyter.

Among those missing and reported dead are Charles Costa, a striker, of Ludlow, Mrs. Charles Costa and two children, Mrs. Frank Pedrino and two children, Mrs. Nick Melasovitch and seven children, and Mrs. Chevez and two children.

[From the Washington Star, April 21, 1914.]

TEN MEN KILLED IN MILITIA CLASH—NUMBER OF WOUNDED IN BATTLE WITH STRIKERS IN COLORADO UNKNOWN—SCENE OF DESOLATION AT THE LUDLOW COLONY—TWO SMALL CHILDREN REPORTED TO HAVE PERISHED IN BLAZE—QUIET NOW PREVAILS.

TRINIDAD, COLO., April 21.

Hundreds of armed strikers who yesterday fought for 14 hours with State troops in the Ludlow district had disappeared this morning and quiet prevailed in and about the strikers' demolished tent colony. The militiamen who opposed the strikers were in possession of the railroad tracks from the steel bridge to a point near the burned colony. Reinforcements from Lamar and Walsenburg swelled the number of soldiers on the grounds to 160.

The list of identified dead was increased to five, and it seemed certain that at least as many more fell in yesterday's fighting. The number of wounded is unknown.

The identified dead:

A. Martin, private, Company A, First Regiment, Denver.

Louis Tikas, leader of the Greek strikers, Ludlow colony.

Edward Fyter, secretary of the Ludlow Union.

Charles Costa, Aguilar Union leader.

Frank Snyder, aged 12.

An unconfirmed report was that two small children perished in the blaze that razed the colony at 9 o'clock last night, and the bodies of other strikers are said to be still lying on the field of battle.

DESOLATE SCENE PRESENTED.

The Ludlow colony presented a scene of death and desolation to-day, only four or five of the tents remaining standing. Soldiers declare that quantities of ammunition were exploded by the blaze that swept the colony during the night.

An unidentified man driving a horse attached to a light buggy dashed from the tents waving a white flag just after the fire started. When ordered to halt, he is said to have opened fire with a revolver and was killed by a return volley from the militia.

Yesterday's battle centered about the big trestle of the Colorado & Southeastern Railroad, and several dead were said to be lying along the tracks, behind which the strikers took refuge.

Throughout the day and intermittently during the night the fighting raged over an area of approximately 3 square miles, bounded on the west by Berwind and Hastings, on the east by Barnes Station, on the



north by the Ludlow tent colony, and on the south by Rameyville. The battle field was completely isolated by the cutting of telegraph and telephone wires.

The fighting began early yesterday, when a militia detachment under Lieut. Linderfelt started to investigate the cause of firing near Cedar Hill. As the day progressed word of the clash reached officials, and a relief expedition consisting of 50 members of the newly organized Trinidad militia company was sent on a special train manned by J. H. Abrams, superintendent of the Colorado & Southeastern, with Master Mechanic Roach as engineer and Dispatcher Willis as fireman.

#### FOUND STRIKERS BARRICADED.

They detained south of Ludlow and found the strikers barricaded in the pumping station. At dusk the strikers retreated along a gully back of the blazing tent colony, followed by the militia, who swept the valley with machine guns.

Maj. P. J. Hamrock spent the night strengthening the position of his men. A request was sent to Denver for additional supplies of ammunition.

With the arrival of Walsenburg and Lamar militia to-day Maj. Hamrock had approximately 175 men opposed to strikers variously estimated at from 400 to 800.

DENVER, COLO., April 21, 1914.

Hon. M. D. FOSTER,

House of Representatives, Washington, D. C.:

Striking miners and families shot and burned to death at Ludlow, Colo. Mine guards with machine guns riddled tents of striking miners and set fire to tent colony. Four men, three women, and seven children murdered. State not only failed to protect, but allows uniforms and ammunition of the Commonwealth to destroy the lives of the workers and their families. We shall be compelled to call on volunteers in the name of humanity to defend these helpless people unless something is done.

E. L. DOYLE, Secretary-Treasurer.

DENVER, COLO., April 21, 1914.

Hon. M. D. FOSTER, M. C.,

The Driscoll Hotel, Washington, D. C.:

We believe that yesterday's occurrences at Ludlow warrant further rigid congressional investigation here. We are informed that yesterday's battle occurred at Ludlow Station and tent colony, where many children, women, and union leaders, without warning, were mowed down by machine guns operating under orders of Linderfelt. If reports to us are confirmed, the facts, more than anything else which has preceded, should result in immediate Federal action and remedial legislation. The situation justifies a special presidential message to Congress.

E. P. COSTIGAN,

JAMES M. BREWSTER,

Counsel for Striking Miners before Congressional Committee.

TRINIDAD, COLO., April 21, 1914.

Congressman M. D. FOSTER,

Washington, D. C.:

Gunmen employed by mine owners caught helpless, unarmed, striking miners of Ludlow in trap yesterday morning. Burned tented city and shot down men, women, and children. No mercy was shown to either sex. Red Cross Society and society women of Trinidad doing all they can to relieve suffering and aid us, but situation is critical. Men, women, and children still in trap, and mine guards wearing uniforms of State are raking their ranks with eight machine guns.

JOHN MCLENNAN,

President District 15, United Mine Workers of America.

Telegram to Alva A. Swain, connected with the Chieftain, of Pueblo:

PUEBLO, COLO., April 21, 1914.

Latest and what seems to be reliable reports confirm story that Louie Greek started fight. Maj. Hamlock received letter from woman saying her husband was being held in camp and wanted to go back work. Said her husband wanted Louie Greek to see Maj. Hamlock; went to depot to see Louie, as Louie would not come to camp. Louie said no such man in camp. While talking, body of armed Greeks left tent colony in full view of Louie and Hamlock and marched off to one side. Hamlock said to Louie that did not look good. Louie said he would go over tell them to disarm and march back. Instead, went over and took charge of men; first firing came from Greeks directed at small squad men watering horses. Martin fell at first shot. This started whole fight. Seems to be no question about ammunition in tent of Lawson. Have had no denial of this yet from union officials. Said by some militia started fire; this they stoutly deny, and from what we gather of the fierceness of the fight they did not get close enough to do so. Some reports are fire was started by explosion of ammunition in Lawson tent. Others are that the inhabitants in hurry to get out upset stoves or lamps. This seems most likely, as firing on tent colony until after exit of most people not enough to explode stored ammunition. Lives lost in tent colony due to women and children hiding in caves that had been dug for protection, and hence could not be found by militia to be rescued. Two privates did rescue some women and children. Stories of this work proves them to be heroes. Naturally all blame is placed on militia, but this does not seem reasonable, for there were but small number of militia and large number of strikers. Reported to-night strikers from Fremont would march to Ludlow to aid those there. Also strikers from northern territory would come down to help. Militiaman wounded was refused admission to sisters' hospital, Trinidad, because they feared to have soldiers in building. All quiet at this hour—Trinidad, also Ludlow. Machine guns were not taken to Ludlow until afternoon, when Linderfelt continued call for reinforcements; caused number men to leave Trinidad, taking number of field arms with them. Rumors of all kinds are coming in, but statements herein are as near correct as we can gather and by carefully checking up each rumor, Trinidad just informs me things quiet there to-night. Meeting of citizens was held in Trinidad Commerce Club this evening and the men pledged their support to sheriff to maintain order. Situation, I am advised, more intense than when strike first called. If further information wanted to-morrow

advise. Use Postal wires when possible. Report, which is neither confirmed or denied, is that Lawson is now camped with strikers in the hills.

FRED MARVIN,

Editor Pueblo Chieftain, Pueblo, Colo.

DENVER, COLO., April 21, 1914.

Ludlow tent colony, which housed 1,200 Colorado striking coal miners, burned to ground after four men, three women, and seven children were murdered. One hundred and fifty gunmen in militiamen's uniform and with State equipment have, with six machine guns, kept up constant attack on men, women, and children since daybreak Monday morning. Indications are that mine guards intend to murder all strikers who refuse to go to work at company's terms. One boy, 11, murdered when he ran to get drink of water for mother, who had lain in cellar. Four other children, 7 to 11, driven back by bullets of uniformed gunmen into blazing tents, burned to death. Gunmen guard all roads. Passengers on trains say 15 to 20 men and women are lying on prairies in ruins of tent colony. Society women offer to nurse injured men, women, and babes, but are refused. Score more women and children probably smothered or murdered in most terrible massacre in American industrial history. Water supply cut off early Monday. Women and babes forced to lie in ditches and cellars 24 hours without food or water. Murderous guards are keeping up attack on men and all may be slaughtered. Will you, for God's sake and in the name of humanity, call upon all your citizenship to demand of the President of the United States and both Houses of Congress that they leave Mexico alone and come into Colorado to relieve these miners, their wives and children, who are being slaughtered by the dozen by murderous mine guards.

(Signed)

E. L. DOYLE,

Secretary-Treasurer,

District 15, United Mine Workers of America.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to address the House for five minutes on this same subject.

Mr. SELDOMRIDGE. Mr. Speaker, I would like unanimous consent to address the House for five minutes at the conclusion of the remarks of the gentleman from Kansas.

The SPEAKER. The Chair will put these one at a time. The gentleman from Kansas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I make the same request, to follow the gentleman from Colorado.

The SPEAKER. The gentleman from Colorado [Mr. SELDOMRIDGE] asks unanimous consent to address the House for five minutes at the conclusion of the remarks of the gentleman from Kansas. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes at the conclusion of the remarks of the gentleman from Colorado. Is there objection?

There was no objection.

Mr. KINDEL. Mr. Speaker, I ask unanimous consent to address the House for five minutes at the conclusion of the remarks of the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] asks unanimous consent to address the House for five minutes at the conclusion of the remarks of the gentleman from Pennsylvania. Is there objection? [After a pause.] The Chair hears no objection.

Mr. AUSTIN. Mr. Speaker, I ask permission to print in the RECORD telegrams from one of the officials of the United Mine Workers and the Trinidad Advertiser in reference to the sad and deplorable affair in Colorado on last Monday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print certain telegrams in the RECORD. Is there objection?

There was no objection.

The telegrams are as follows:

DENVER, COLO., April 21, 1914.

Hon. RICHARD W. AUSTIN,

House of Representatives, Washington, D. C.:

Striking miners and families shot and burned to death at Ludlow, Colo. Mine guards with machine guns riddled tents of striking miners and set fire to tent colony. Four men, three women, and seven children murdered. State not only fails to protect but allows uniforms and ammunition of the Commonwealth to destroy the lives of the workers and their families. We shall be compelled to call on volunteers in the name of humanity to defend these helpless people unless something is done.

E. L. DOYLE,

Secretary-Treasurer United Mine Workers of America.

TRINIDAD, COLO., April 21, 1914.

R. W. AUSTIN, M. C.,

Washington, D. C.:

Reports as sent out by United Mine Workers' officials as to battle Monday absolutely without foundation of fact. The death of 11 children, 2 women, and others was the fault of John R. Lawson. These women and children were held in tent colony and used as a defense, and fire was started in colony by the strikers themselves. In Lawson's tent was more than 20,000 rounds of cartridges and quantity of dynamite, which was the direct cause of burning of colony. Fight caused by attack on militia by Louie the Greek and followers. Lawson had prevailed on governor to take troops from district, and as soon as movement was



complete battle was begun. Trinidad is victim of betrayal, and strikers trying to make capital out of defeat. Strikers numbered 400 in battle, while only 79 militia were engaged. We deplore the result, but it was inevitable, as it was planned by the leaders of the United Mine Workers of America, and in their defeat they are now trying to make capital out of the fact that they sacrificed the lives of women and children.

TRINIDAD ADVERTISER.

Mr. CAMPBELL. Mr. Speaker, the country has been shocked by the atrocious conditions that exist in the coal-mining districts of Colorado. During the period the unfortunate conditions have existed there I have been in receipt almost daily of appeals for the protection of the constitutional rights of citizens in that State. I had hoped when the gentleman from Illinois [Mr. FOSTER], chairman of the investigating committee, took the floor this morning that he would make some suggestion that might be pursued by the Federal authorities to guarantee the constitutional rights of the miners. I now ask the gentleman from Illinois, as chairman of that committee, who is familiar with the conditions there, if he will not offer a resolution in this House directing the President of the United States to take such steps as may be necessary to protect citizens in the State of Colorado within that mining district, who are now without protection? If State authority is powerless, and it appears to be, the Federal authority should act through the Executive. I am fearing the attorneys for the miners are perhaps overlooking the constitutional rights of their clients.

Mr. MADDEN. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MADDEN. Does the gentleman from Kansas think the State authorities are unequal to the occasion?

Mr. CAMPBELL. It seems so. In any event, the lives and liberties of people, the right to the protection of the tents which they call their homes, have been ignored. They have not had the protection that we have boasted surrounds every man in the Republic, and, being denied this protection, it seems to me that some steps should now be taken, not by the way of investigation, for we have had investigation enough, but by proper Executive action that will result in giving the people affected all the guaranties of the Constitution.

Mr. FORDNEY. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. FORDNEY. Has the gentleman any information as to whether the militia or the miners are responsible for this riot? I would like to know which side is responsible.

Mr. CAMPBELL. I do not know who is primarily responsible for the trouble.

Mr. FORDNEY. Until the information is given, does not the gentleman think it wise that some one should get definite information before ordering the Federal Government to take action?

Mr. CAMPBELL. We have had complaints of these conditions for months. We authorized an investigation by a committee of this House. That committee has made its investigation, and so far we are not informed as to who is in the right or who is in the wrong with regard to each particular incident that results seriously.

Mr. FORDNEY. They have not investigated this incident.

Mr. CAMPBELL. They have not investigated this particular one, but they have investigated the conditions there, made up of other incidents similar to this, running through a long period of time, but have not reported.

Mr. GARNER. Mr. Speaker, the gentleman ought not to complain of the Executive, when the committee of the House of Representatives has not made its report. If the committee has not made its report and we think they are negligent, it is our business to instruct them to make the report.

Mr. CAMPBELL. Mr. Speaker, I am asking the gentleman from Illinois [Mr. FOSTER], chairman of the committee, if he will not, with the information that he has, if it is justified, appeal to the executive authorities to take such steps as are necessary to protect the constitutional rights of these citizens.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I will say this to the gentleman: That, so far as I am concerned, I have endeavored as best I could to get this matter before the House at as early a date as it is possible to do, but the gentleman realizes that the printing of a large amount of testimony and the filing of briefs take some little time. The committee has done the very best that it could. I want to say to the gentleman that, so far as I am

individually concerned, I expect to urge such action to be taken, if necessary, by the Federal authorities as will give protection, in so far as we are able to do it, to these unfortunate, innocent, and helpless people.

Mr. CAMPBELL. Mr. Speaker, I appreciate that the gentleman from Illinois [Mr. FOSTER], as chairman of that committee, and that the committee itself have been doing everything within their power, and I made the suggestion I have now made in the hope that the gentleman from Illinois and his committee might feel justified in offering the sort of resolution to which I have referred, even before the report is made. Will the gentleman under the circumstances make the request to the Executive I have suggested?

Mr. FOSTER. Mr. Speaker, I will say to the gentleman that I appreciate his position just as much as anyone in this House, and I want to assure him that, so far as I am concerned, I shall do everything that is possible, and I believe the committee feel the same way about it.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. COOPER. With the gentleman's permission, I desire to ask the gentleman from Illinois one question. Until the gentleman's committee submits a report to this House, does the gentleman from Illinois doubt the committee's authority to continue its investigation?

Mr. FOSTER. I think the committee has that authority.

Mr. COOPER. Very well. Then, is not this killing of 11 women and 2 children, the killing of miners and the killing of militiamen in what was a serious battle, worthy of the immediate and searching attention of the committee?

Mr. FOSTER. Mr. Speaker, I agree with the gentleman from Wisconsin that that is true.

The SPEAKER. The time of the gentleman from Kansas has again expired.

Mr. SELDOMBRIDGE. Mr. Speaker, as a Representative from the State of Colorado, I deeply deplore the recital which has been made to the House this morning by the chairman of the Committee on Mines and Mining concerning the riot which took place in the southern Colorado coal fields last Monday. It is the outgrowth of a condition which has been growing more acute and difficult for the past six months. Our State, unfortunately, has passed through several periods of industrial disturbance, and we have a record of controversies between the forces of capital and labor which has made a deep and lasting impression upon the minds of our citizens. There does not seem to be any power resident in the legislative bodies of this country, either Federal or State, to bring about the settlement of these disputes through process of law without resort to bloodshed and riot. During the time of the great Cripple Creek strike there were conditions unparalleled in the history of industrial warfare in this country. The constitutional rights of citizens were usurped and invaded. Many citizens were taken from their homes, placed in railroad cars, and deported from the State by action of the military authorities. The delays and intricacies of legal procedure were invoked against them, and there seemed to be an absolute paralysis of every form of judicial process that is ordinarily available to the individual to secure his rights. Our State has been left with a legacy of debt and an experience which has made her recognized in the Nation as having been the theater of most cruel and deplorable industrial disputes.

One of the difficulties confronting the State when her military power is invoked is that which arises from the condition of the State treasury. The militia can not be put into the field until the governor is provided with means necessary to support and equip it. He is therefore obliged to make some arrangement with the banking and moneyed interests of the State to secure funds in order to meet these expenses.

The result is that while the armed forces of the State are called out to preserve law and order, and to see that individual rights and property are respected, they are looked upon indirectly as the employed agents and allies of one of the parties to the dispute. This trouble all arises, in my judgment, from the fact that when you employ an armed force to preserve law and order in an industrial dispute you immediately provoke conditions such as have arisen in Colorado and elsewhere, especially where such a force is maintained through agencies more or less in sympathy with one of the parties to the controversy. I am not so much concerned for the present, although I deeply deplore and regret the occurrence of last Monday, as I am for the future, because this dispute, which in the beginning only affected a limited number of corporations and their employees, is spreading out and reaching into every community and hamlet in the State; men's passions are being aroused, and there is an alignment throughout the State on one side or the



other of this controversy. I am informed by telegraphic messages to-day that armed men are being sent into the region where rioting has occurred, and that serious trouble involving a further loss of life is threatened. I hope that the committee authorized by the House will not merely devote itself to a recital of facts in this controversy, but that it will present to Congress some legislative remedy that will give to the people of this country relief from strike conditions, which rest most heavily and severely upon those who are disinterested and have no direct connection with these unfortunate controversies.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. SELDOMRIDGE. Yes.

Mr. MADDEN. The gentleman has made a very startling statement. Does the gentleman want to leave the impression on the House and the country that the governor of the State of Colorado sends the militia with the end in view of taking either one side or the other of the controversy, instead of the preservation of the law?

Mr. SELDOMRIDGE. I do not, Mr. Speaker; and I want to say this—

Mr. MADDEN. That is the only deduction that can be made from the gentleman's statement.

Mr. SELDOMRIDGE (continuing). That the governor of the State, when appealed to by the citizens of the State whose property is in danger or whose lives are in jeopardy, must recognize the power that rests with himself and call out the militia. When the civil authorities say that they can not control the situation and that they must have the militia, the governor is bound to recognize the plea. When he looks into the treasury of the State and finds himself unable to secure funds there to pay the militia, feed, clothe, and equip it, and when he is obliged to intercede with the clearing houses of the State to find the money to pay these expenses, does the gentleman believe that men sent into the field under those conditions would be able to exercise that same independence of action that they could if the obligation on the part of the State to private moneyed interests did not exist?

Mr. MADDEN. Why does not the governor call the legislature in special session and make an appropriation to cover the needs of the case?

The SPEAKER. The time of the gentleman has expired.

Mr. GORMAN. Mr. Speaker, I ask unanimous consent that the gentleman may have his time extended for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Colorado may have his time extended for five minutes. Is there objection?

Mr. SELDOMRIDGE. I do not desire any further time, Mr. Speaker. I believe I have said all I desire to say.

Mr. MADDEN. Well, in order to answer a question.

Mr. SELDOMRIDGE. I will be glad to answer any questions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The gentleman stated a very extraordinary situation as existing in Colorado. I would like to ask the gentleman from Colorado why it is that the governor of the State does not call the legislature in special session, when an extraordinary situation like this exists, for the purpose of making appropriations that will enable him to perform his duty?

Mr. SELDOMRIDGE. I presume, Mr. Speaker, that the committee of investigation, having had the governor before it, would have asked him that question. I am not in any position to answer for him. I am simply stating to the House the condition which exists in Colorado and giving my conclusions from the facts as I know them in reference to the resources available for the pay and compensation of the militia.

Mr. GORMAN. Does the gentleman happen to know what security the governor pledges for these loans he makes?

Mr. SELDOMRIDGE. The auditor of state issues certificates of indebtedness upon vouchers approved by the military board, of which the governor is an ex officio member. The governor is charged by the constitution which he is sworn to support to maintain and enforce the laws of the State and to protect the lives and property of her citizens. He is authorized to call out the militia when a state of insurrection exists, and the constitution provides for the issuance of these certificates of indebtedness, which are not a lien on the State treasury until the legislature has provided for their payment, either by direct appropriation, if there be money available, or through the sale of bonds. It will thus be evident that they are not securities of a class that will find ready sale in financial markets and are only evidences of indebtedness constituting no legal claim against the State government until the legislature has recognized them as above indicated. It will thus be understood why the governor is obliged, if he acts under constitutional authority, to look to private sources for means whereby he can hypothecate these

certificates. It is true that he could call the legislature together and request it to assume the responsibility of providing funds for immediate use. But conditions develop very suddenly, and the executive is confronted sometimes with situations which will not permit of delay, and the constitution of the State has recognized the probability of sudden emergencies requiring executive action by providing the means above indicated for meeting these extraordinary conditions.

Mr. MADDEN. That is due to the fact that they have had a very bad government in Colorado and an extravagant expenditure of public funds which made it necessary to overtax the people of Colorado until they are overloaded with indebtedness so nobody wants to buy their paper. Is not that true?

Mr. SELDOMRIDGE. The people of Colorado, Mr. Speaker, are suffering, in my judgment, from the fact that the representatives of the people, both in the State and the Federal branches of the Government, have not given the people some remedy by which these disputes may be settled without bloodshed and riot. [Applause.]

Mr. Speaker, in closing let me say that Colorado is not alone in her suffering. The same conditions that exist in her borders to-day may arise in other States to-morrow. We can not build up our industrial system or enlarge our commercial activities on lines which recognize physical force as the only effective remedy in the settlement of disputes between the employer and the employee. There must be found some peaceful and accepted agency which will operate to adjust these controversies. With all our boasted civilization, with all the advantages of free government, and with our recognized adherence to the religion of Jesus Christ, with the Golden Rule as its greatest principle controlling the relation of man with man, must we confess that we are unable to find any means available either in society or government that will provide for a just and equitable settlement of industrial disputes or must we still leave these controversies to be fought out on lines of selfishness and cruelty? Colorado is a magnificent State. Her natural resources are unlimited in value and variety; her people are patriotic and intelligent. They are devoted to building up communities of culture and good order. They have overcome many obstacles in the way of material development, and they have reached out to secure for themselves every advantage of free and popular government. May the day soon come when the clouds of industrial conflict which now darken and obscure her sky and which have brought so much of havoc and devastation in their course will pass away and allow the light and blessing of industrial peace and contentment to abide in every portion of our beloved Commonwealth.

Mr. MOORE. Mr. Speaker, I arise to pay tribute to the heroism of George Poinsett, of Philadelphia, a seaman on the *Florida*, who went to his death yesterday under orders to take the customhouse at Vera Cruz, Mexico. [Applause.] The bulletin just issued by the Navy Department announcing the death of Poinsett and three others is meager as to details, but we are led to believe that they were fired upon by the Mexican troops while defending their position. I shall attach to these remarks the full statement authorized this morning by the Navy Department with respect to the deaths and casualties resulting from this first clash of arms between the forces of the United States and Mexico. It is not my purpose now to dwell upon the causes leading up to this unfortunate condition presaging war. That matter was disposed of by the President of the United States, and Congress has voted to sustain this action.

Whether we have entered upon this war wisely or unwisely we have at least demonstrated our wisdom as a nation in being prepared for war. In such a crisis we must look to our Army and to our Navy; to our battleships and to our guns; to our navy yards and to our recruiting stations. These we must have and maintain in times of peace as in times of war.

Deploping war, as we do, we must yet find the men to go to war when our safety, our dignity, or our honor as a people are at stake. We must have a Dewey for Manila, a Sampson, a Schley, and a Hobson for Santiago [applause], but in addition to these, farther along in the ranks, we must have a Worth Bagley, the ensign—first to fall in the Spanish-American war—and a George Poinsett, the seaman, to sacrifice his life for us if need be.

This, Mr. Speaker, is my reason for paying tribute to the young Philadelphian who was of the first four to fall yesterday in the service of his country in a war the consequences of which we can not see.

Mr. Speaker, what manner of man was this George Poinsett? He had not yet reached the age of maturity; he had gone but 10 days beyond his twentieth birthday. This was the American seaman, the American patriot, who, when this great Congress of



the United States was deliberating upon a message of the President and every nation of the world was watching the outcome of that deliberation with the keenest interest, went forward, under orders, representative of our country, and in defense of our flag, to lay down his promising young life.

George Poinsett, Philadelphian, enlisted as an apprentice seaman at the age of 17 years, thus responded to the call of duty. It was a manifestation, Mr. Speaker, of that spirit of patriotism and loyalty which has always typified the youth of this country when honor is at stake and duty calls. George Poinsett would have been entitled to an honorable discharge after faithful service in the Navy in June of next year.

The discharge has come prematurely, but with higher honor than any formal certificate. It involves alike the pain and the glory of martial life.

A father, who nearly three years ago yielded to his boy's desire to serve his country, has been bereft of a loved one, but the Nation has added the name of that son to its roll of heroes. [Applause.]

Mr. Speaker, of John F. Schumacher, coxswain, of Brooklyn; of George Poinsett, seaman, of Philadelphia; of Daniel Aloysius Haggerty, private in the Marine Corps, of Cambridge, Mass.; and of another hero killed in the service whose name has not yet been ascertained; and of those who were with them in this first letting of the blood of war, may we not say as Tennyson said of the Light Brigade—

Theirs not to make reply,  
Theirs not to reason why,  
Theirs but to do and die.

[Long applause.]

Mr. Speaker, the Navy Department Bulletin No. 9, to which I referred, is as follows:

BULLETIN No. 9.

NAVY DEPARTMENT.

The news dispatches give the following as among those killed and injured at Vera Cruz:

KILLED.

Coxswain John F. Schumacher, of the *Florida*; home address, 161 Harmon Street, Brooklyn, N. Y.; born December 5, 1889; next of kin, Isabella McKinnon, mother, same address; enlisted November, 1907; reenlisted 1910; recently transferred from the *Wheeling* to the *Florida*.  
George Poinsett, seaman; next of kin, William Poinsett, father, 5521 North Twelfth Street, Philadelphia, Pa.; enlisted, Philadelphia, 1911; attached to *Florida*.

Daniel Aloysius Haggerty, private, Marine Corps, Eighth Company, Second Regiment, advance base; next of kin, Michael Haggerty, 16 Harding Street, Cambridge, Mass.; enlisted July 4, 1906; last recorded as attached to the *Utah*.

WOUNDED.

Charles J. Leahy, ordinary seaman, assigned to the *Florida*; home address, 332 East Ninetieth Street, New York City; next of kin, Nellie Leahy, mother, same address; enlisted 1912.

Nathan Schwartz, ordinary seaman; home address, 223 East Fourth Street, New York City; next of kin, Harry Schwartz, brother, same address; enlisted September, 1912, and serving his first duty at sea.

C. D. Cameron, ordinary seaman; home address, 108 Doscher Street, Brooklyn, N. Y.; next of kin, Donald Cameron, father, same address. Cameron was assigned to the *Florida*; enlisted June 3, 1913.

John F. Place, seaman; home address, 134 Wakeman Avenue, Newark, N. J.; next of kin, Anna Place, same address; enlisted 1911; assigned to the *Florida*.

Edward A. Gisburne, electrician, third class; home address, 54 Summer Street, Quincy, Mass.; next of kin, John R. Gisburne, grandfather, 1932 Seventeenth Street, Washington, D. C.; enlisted 1910.

No information has been received at the Navy Department to verify this list, and the department has no knowledge at 11.30 of its accuracy.

Mr. MONDELL. Mr. Speaker, the deplorable occurrences in southern Colorado to which the gentleman from Illinois [Mr. FOSTER] has called our attention present a situation which appeals very strongly to our sympathies and to our sense of justice. The newspaper reports and dispatches vary in their statement of what occurred at Ludlow and as to the number of persons killed or injured; but this, at least, is certain, that a considerable number of defenseless women and children lost their lives under circumstances most frightful and appalling. It is important that we shall know, and know quickly, who is responsible for this frightful occurrence, to the end that justice may be done and such heart-rending occurrences may be prevented in the future. Our hearts go out in sympathy to those who have lost wives and children, and our duty is to do everything within our power to remedy conditions which make such awful tragedies possible. I hope that the committee presided over by the gentleman from Illinois [Mr. FOSTER], which recently investigated matters in this district, may give prompt consideration to this awful tragedy and promptly take or recommend to the House such action as may be proper. I shall place in the RECORD four telegrams I have received in regard to this lamentable occurrence:

CHEYENNE, WYO., April 21, 1914.

Hon. FRANK W. MONDELL,  
2011 Park Road, Washington, D. C.:

Six men and 6 women and more than 15 children murdered by coal-company gunmen at Ludlow, Colo., strike field yesterday. Thugs un-

formed as State militiamen. Union labor of Wyoming demands Federal protection of the defenseless strikers and families of Colorado. Please urge this protection at once.

WYOMING WEEKLY LABOR JOURNAL,  
By H. R. SCHNEIDER.

CHEYENNE, WYO., April 21, 1914.

Hon. FRANK W. MONDELL,  
2011 Park Road, Washington, D. C.:

Following telegram received from Colorado striking miners:  
"Wives and children murdered by coal-company guards at Ludlow, Colo. Tent colony burned to ground. Five men, four women, and at least five children killed."

In the name of humanity we demand that the Federal Government protect the miners of Colorado and their wives and children.

JAMES MORGAN,  
Secretary Wyoming Union Miners.

CAMBRIDGE, WYO., April 21, 1914.

Hon. FRANK W. MONDELL,  
Washington, D. C.:

We demand protection for the miners, their wives, and families in Colorado. Fourteen miners, women, and children killed by mine guards at Ludlow, Colo., yesterday.

This by order of Local Union No. 2532, United Mine Workers of America.

JOHN R. JONES,  
Financial Secretary.

KIRBY, WYO., April 21, 1914.

Hon. F. W. MONDELL,  
Member of Congress, Washington, D. C.:

The miners of subdistrict No. 1 of district No. 22 request you to use your influence to afford protection for the striking miners and their families in Colorado against the mine guards and hired thugs there.

GEO. FRISKEL,  
Board Member of Subdistrict No. 1, District 22.

Mr. CRAMTON. Mr. Speaker—

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] is recognized for five minutes.

Mr. HOBSON. Mr. Speaker [applause], I ask unanimous consent to address the House for five minutes apropos of the death of these privates.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for five minutes after Mr. KINDEL has his five minutes. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to include a request for three minutes on a similar subject.

The SPEAKER. Is there objection to the gentleman from Alabama [Mr. HOBSON] addressing the House for five minutes after the gentleman from Colorado [Mr. KINDEL] concludes?

Mr. MANN. Reserving the right to object, I shall not object to these requests, and yet it seems to me in course of time we ought to reach the regular order of business.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBSON]? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]? [After a pause.] The Chair hears none. The gentleman from Colorado is recognized for five minutes.

The SPEAKER. The gentleman from Colorado is recognized for five minutes.

Mr. KINDEL. Mr. Speaker, I am grieved to learn what has happened in Colorado and to have to come up here before you to lauder our linen, so to speak. I have been a resident of the State of Colorado since 1877. I have been in the manufacturing business since 1878. I know much of the industrial conditions prevailing in our State. We brought about woman suffrage in 1893; we have acquired the initiative and referendum and recall; we have a Democratic governor, State, city, and county officers, and we have a Democratic set of Congressmen and Senators, a Democratic Congress, and a Democratic President.

Mr. MANN. That will soon be over. [Laughter.]

Mr. KINDEL. That will soon be over if we do not improve conditions.

The question at issue in Colorado is not the question of wage, because the mine owners are paying higher wages than anywhere east of the one hundred and fifth meridian. There is only one State—the State of Wyoming—that is paying higher wages than we are.

Now, I am not here to defend the mine owners. They have done many things in the past that they should be ashamed of. But since we have a Democratic governor and have a Democratic force in control the question with me is why we do not make them enforce the law and get things right? Our State is practically bankrupt. And why? First, I contend that the labor condition is one of the serious things, inasmuch as the labor unions will make you employ a union force, and to-day if you want to operate a mine you have got to have every man join a union, pay \$10 initiation and \$1 per month at the end of the month to the treasurer of the union, or you can not



operate. It is not a question of wage, but a question of unionism.

I heard the interrogations that were put to Mr. Rockefeller, Jr., the other day before the congressional investigating committee. I never met him before, but I was much impressed by what he had to say, namely, that he was for organization of both employers and employees, but he objected to outsiders—the Western Federation of Miners—controlling the people working within his mines.

This killing of men and destruction of property has been going on for the past six months, and our Colorado governor has very reluctantly sent the militia down in the southern coal fields of Colorado to restore order. I asked the gentleman from Illinois, chairman of the congressional investigating committee [Mr. FOSTER], when making his statement a few minutes ago, how he got his information on the killing of women and children on Monday last in Colorado, because I had not heard anything beyond what I saw in the newspapers, of which the following is an account:

[From the New York Times, Wednesday, April 22, 1914.]

45 DEAD, 20 HURT, SCORE MISSING, IN STRIKE WAR—WOMEN AND CHILDREN ROASTED IN PITTS OF TENT COLONY AS FLAMES DESTROY IT—HILL FROM HAIL OF BULLETS—MINERS' STORE OF AMMUNITION AND DYNAMITE EXPLODED, SCATTERING DEATH AND RUIN—TO RESUME BATTLE TO-DAY—MEN FROM OTHER UNION CAMPS JOIN FIGHTERS IN HILLS TO AVENGE THEIR SLAIN—MILITIA TROOP HEMMED IN—DECISIVE ENGAGEMENT PLANNED BY THE SOLDIERS, WHO ARE PREPARING A MACHINE-GUN SORTIE.

TRINIDAD, COLO., April 21.

Forty-five dead, more than two-thirds of them women and children, a score missing, and more than a score wounded is the result known to-night of the 14-hour battle which raged with uninterrupted fury yesterday between State troops and striking coal miners in the Ludlow district on the property of the Colorado Fuel & Iron Co., the Rockefeller holdings.

The Ludlow camp is a mass of charred debris, and buried beneath it is a story of horror unparalleled in the history of industrial warfare. In the holes which had been dug for their protection against the rifles' fire the women and children died like trapped rats when the flames swept over them. One pit, uncovered this afternoon, disclosed the bodies of 10 children and 2 women. Further exploration was forbidden by the position of the camp, which lies directly between the militia and the strikers' positions.

TO RESUME BATTLE AT DAWN.

With arms ready, both sides after a day of ominous quiet, now await the coming of dawn, when, it is predicted, the battle will be resumed with greater bloodshed than that which has occurred. The militia, which yesterday drove the strikers from their tent colony and, it is charged, fired it, involving thereby the greatest loss of lives, are preparing for a machine-gun sortie at daybreak from their position along the Colorado & Southern Railroad tracks at each side of the Ludlow Station.

On the surrounding hills, sheltered by rocks and boulders, 400 strikers await their coming, while their ranks are being swelled by grim-faced men who tramped overland in the dark, carrying guns and ammunition from the neighboring union camps.

Italian, Greek, and Austrian miners have appealed to their consular representatives for protection, and John McLennan, president of the local union district, wired the Red Cross in Denver to-day to be prepared to render aid.

On the outcome of the engagement to-morrow may depend the fate of the strike. Both sides face it as a battle to the death, with no thought of quarter asked or received. At a late hour it was said here that the battle could only be averted by the arrival of overwhelming reinforcements for the troops of Denver.

No train service through the war zone is permitted. A command of the troops is hemmed in on all sides by the strikers' lines, which extend back 3 miles. Through this cordon only the dead wagon is allowed to pass.

In Trinidad the situation is no less acute. Men throng the streets about the union headquarters and demand guns with which to work vengeance upon the militia, whom they hold responsible for the destruction of their homes and the death of their women and children.

BATTLE OVER 5-MILE AREA.

Throughout the day yesterday and intermittently during the night the fighting raged over an area of approximately 3 square miles, bounded on the west by Berwind and Hastings, on the east by Barnes Station, on the north by the Ludlow tent colony, and on the south by Rameyville. The battle field was completely isolated by the cutting of telegraph and telephone wires.

Within the doomed camp last night explosions of cartridges which had been stored there by the miners added to the horror of the flames which swept over it amid a hail of lead with which the soldiers raked the tents.

An unidentified man driving a horse attached to a light buggy dashed from the tents waving a white flag, just after the fire started. When ordered to halt he opened fire with a revolver and was killed by a return volley from the militia.

Terrified by the bullets which whistled through the blazing canvases above their heads, the women and children apparently more afraid of the lead than the flames, remained huddled in their pits until the smoke and heat carried death to them.

Some braver than the rest ran into the open and dashed aimlessly among the 200 tents, which by that time had become so many torches which swirled their fire and sparks and lighted the scene with ghastly brilliancy.

STORE OF DYNAMITE BLOWS UP.

Two women dashed toward the militia position.

"Dynamite," they screamed.

An instant later the ammunition remaining in the camp exploded, sending a shower of lead in all directions.

A 7-year-old girl dashed from under a blazing tent and heard the scream of bullets about her ears. Insane from fright, she ran into a tent again and fell into the hole with the remainder of her family to die with them. The child is said to have been a daughter of Charles

Costa, a union leader at Aguilar, who perished with his wife and another child.

Instances of individual heroism were numerous. James Fyler, financial secretary of the Trinidad local union and a witness in the recent congressional investigation, died with a bullet in his forehead, as he was attempting to rescue his wife from the flames.

A bystander, Premo Larsie, 18, son of Louis Larsie, a Trinidad brewery worker, was among the first to fall. On his way from Ludlow to Hastings to visit a friend he paused to witness the encounter, which had just started. A bullet struck him in the head.

Lewis Tikas, leader of the Greek colony and one of the most prominent organizers in the district, was shot as he attempted to lead a group of women away from the camp in the direction of an arroyo which offered shelter. According to witnesses of his death, Tikas threw up his arms to show that he carried no weapons. The troops yelled at him to run, and shot him as he fled.

In an effort to rescue his sister from danger, Frank Snyder, 10 years old, son of William Snyder, a striker, met death in the colony later in the afternoon. The girl ventured from the pit where the family had taken refuge. The boy jumped out to draw her back and a bullet struck him in the back of the head, killing him instantly.

When it appeared that no more men remained in the colony, the militia ceased its fire and went to the work of rescue. Women ran from the burning tents, some with their clothing afire, carrying their babies in their arms. Many, in order to save the babies at their breasts, were forced to abandon their older children to their fate. Among these was Mrs. Marcelina Pedragon. With her light skirt ablaze in several places she carried her youngest child to the open, but left two others behind. Hope for them has been abandoned.

Trembling, hysterical, some apparently dazed, the women were escorted by the troops to the Ludlow, where they were held until this morning, when a Colorado & Southern train brought them into Trinidad. In the haste of departure families became separated. Efforts to unite them by the United Mine Workers in many instances proved in vain.

The camp was abandoned to its fate following the departure of the women, and for hours the light of the fire lit the sky a bright red. By its light the strikers retreated to the arroyos back of the colony and to the surrounding hills. The camp fell at 8.30, just 14 hours after the fight commenced.

DENIES SOLDIERS FIRED THE CAMP.

Maj. Harock denied to-night that his men had started the conflagration.

"It started spontaneously, apparently, from the west end of the camp and spread through the flimsy structures like wildfire. When that occurred, my men were at quite a distance and could have had nothing whatsoever to do with it."

He placed the responsibility for the opening of the engagement upon the strikers, who, he said, fired first upon the militia encampment from the hills. This was denied at union headquarters, where it was said the militia opened hostilities with the machine guns.

The first wagonload of five bodies was brought in late this afternoon and a second wagonload is expected to-night. Among the bodies is that of Private Martin, of Company A. Officers of the militia charge that, though merely wounded in the neck, Martin, who lay where the strikers subsequently passed by him, was shot in the side of the head and through the mouth as he lay wounded on the ground. The charge is denied by officials of the union.

Trinidad is horror-stricken by reports of the number of women, children, and noncombatants who lost their lives in the fight and in the fire that followed.

"It is horrible," said John McLennan, president of District No. 15 of the United Mine Workers of America, who is in charge at local headquarters. "They were trapped without a chance of escape. The bodies of 2 women and 10 children were seen in one trench, it was announced at the Ludlow military camp to-night. God only knows how many yet will be found."

More than 200 women and children refugees from the burned colony are being cared for in Trinidad. The hall of the Trinidad Trades Assembly has been turned into a temporary dormitory and hospital. Many are suffering from burns and injuries. Food and bedding is being provided by the union.

TWENTY-SIX BODIES RECOVERED.

DENVER, April 21.

Representatives of the American Red Cross in Trinidad reported to Dr. S. P. Morris, director of the Red Cross, in Denver to-night that 26 bodies of strikers already had been recovered by the Red Cross at Ludlow.

Three hundred strikers fully armed to-night marched from Fremont County tent colonies to Ludlow to aid their fellows in their fight against the militia, according to a statement given out at union headquarters here. Men of the Leyden colony near Denver are making ready to go to Trinidad, it is reported.

E. F. Doyle, secretary and treasurer of District 15, United Mine Workers of America, sent the following telegram to-day to President Wilson, Colorado's Senators and Representatives, and members of the House committee which investigated the Colorado strike:

"Striking miners and families shot and burned to death at Ludlow, Colo. Mine guards with machine guns riddled tents of striking miners and set fire to tent colony. Four men, three women and seven children murdered. State not only fails to protect, but uses uniforms and ammunition of the Commonwealth to destroy the lives of the workers and their families. We shall be compelled to call on volunteers in the name of humanity to defend these helpless persons unless something is done. Tent colony burned to the ground."

A message also was sent to John P. White, international president of the union, asking him to urge President Wilson "to use his power to protect helpless men, women, and children from being slaughtered in southern Colorado."

In addition, messages were sent to 500 editors throughout the country and to the local unions in Colorado.

There will have to be some relief somehow. The people of Colorado are in an awful strait. The situation not only affects all the mines but every business of every kind. And on top of all this we have been cursed with railroad discrimination of every kind and character as no other State in the Union has. We have had woolen mills, cotton mills, and all other manner of mills fall by the wayside, and now dismantled, all because of



the discriminations in transportation rates and arbitrary and unjust demands of labor unions. And not only suffered by discrimination by the railroads but by our governmental parcels post as well. [Laughter.] To-day if you want to ship a 20-pound package from Washington to Colorado you find that you can not do it by parcel post because of the prohibitory rate of \$2.01, as against \$1.25 by express. It is a great question to go into, and I do not want to do so now, in the limited time allotted me, except to touch on the influences that are hurting my State and section. The people of Colorado, as a rule, are praying for peace and a square deal, and if the miners or the labor "skates" will keep away it will improve matters in Colorado. I understand, by the way, that Mother Jones is going to be here tomorrow. She is the woman who in open meeting in Denver said she was going to hang me [laughter] because I, forsooth, had the courage to say what I thought of her and her kind. If the good people of Colorado would but assert themselves, you will find our State is the equal of any in the Union in the matter of sunshine, scenery, and resources. What is wanted most is men. Therefore I conclude with Holland's famous lines:

God give us men. The time demands  
Strong minds, great hearts, true faith, and willing hands;  
Men whom the lust of office does not kill;  
Men whom the spoils of office can not buy;  
Men who possess opinions and a will;  
Men who have honor; men who will not lie;  
Men who can stand before a demagogue  
And dam his treacherous flatteries without winking;  
Tall men, sun-crowned, who live above the fog  
In public duty and in private thinking.

The SPEAKER. The time of the gentleman has expired.

Mr. SELDOMRIDGE. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINDEL. Mr. Speaker, may I have the same permission?

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] also asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] is recognized for five minutes. [Applause.]

Mr. HOBSON. Mr. Speaker, I desire simply to add my word of tribute to the memory of the men, the plain privates, who fell yesterday—the first bloodshed in this trouble.

I had the honor of serving with the plain private for 18 years. I remember well how I was first impressed as to the character and spirit of the plain private. It was on a cruise. A gale had been blowing for 48 hours and the sea was running high. The midshipmen on deck were sent over the masthead. They were all seasick, and it was thought that it would help them out to give them a little exercise, so the officer of the deck ordered them over the masthead. He did not think to warn them not to come down on the lee side, which you should never do in a gale of wind. You ought to go up on the weather side and come down on the weather side. But the order was given for the midshipmen to go over the masthead. They promptly did so, and half of them had not gotten over the crosstrees when, as the ship lurched, one of them—a nephew of Admiral Schley, a classmate of mine—lost his hold and fell. He struck the topsail yard and went overboard. A heavy sea was running. Promptly the lifeboat was called away. The crew responded. They were scarcely half lowered when the sea, which was running very heavy, threw the boat keel up and down, hurling the crew into the sea.

There was but little chance of launching a boat and but little chance of a boat living in such a sea. But the second lifeboat was called away. I never forgot the promptness, the agility, even the light-hearted way in which the second boat crew manned their boat and put off into the sea to try to save their comrades, knowing full well how meager were their own chances of ever getting back.

I have seen seamen, plain seamen, jump overboard to save a comrade, so many of them that the officer of the deck had to order that no more should go overboard—a superfluity exposing their own lives to try to save a comrade.

That was my first introduction to the spirit of this plain private. And remember, gentlemen, they are really nothing but boys. The average age in the fleet that is off the coast of Mexico to-day is 21 years.

Perhaps I ought to give another, a personal tribute to this plain private. A matter came up—a little incident; a little expedition—in my day. Being a naval constructor, knowing how to build ships, I naturally knew how to sink ships. The question of sinking a ship came up, and naturally I wanted to be associated with it. Seven men were wanted, and Admiral Sampson issued a call for seven men. The call was issued by signal

from the flagship, and more than a thousand responded. [Applause.]

The main trouble I had from that time to the time we started in was in refusing the appeals of men—some who had been my old shipmates, pleading with me on personal grounds, others on other grounds, all begging me to let them go in. Yes, young Poinsett and his comrades, who so gladly gave up their young lives yesterday, make me think of those seven men as they lay with me on the deck as the ship was slowly sinking. Only two torpedoes went off. We had 10, but the wiring and the batteries connected with the others had been broken and cut away and crushed before the time came to fire them. Only two went off. So we went down slowly right under the muzzles of their cannon. The original plan was that after firing the torpedoes we would quickly get away from the ship in the lifeboat and thus try to escape; but the lifeboat was shot away, and I changed my plan entirely, but did not explain it to them.

Well do I remember those seven men there. Shell followed shell, tearing everything to pieces above us, below us, on both sides of us. My men would say, "Now, can we be off?" I would say, "No; no man move until further orders." When the boiler went up they said, "Can we go?" I said, "No man will move until further orders." At last the ship gave a lurch, just before she was going down, and heaved as though she would turn over on us, and we heard the gurgling and the rushing sound of the whirlpool approaching, and they said, "Can we get off now?" And I said, "No; stay with me." And they stayed with me, gentlemen, every last one of them, and went down with me, no man knowing whether he would ever come up again. [Applause.]

Now, I have another little memory—an aftermath thought that comes up. By 11 o'clock that day we were in the Morro. All the men were in one cell—seven men in one dark cell. I knew it was a question of their health, and I called upon the commandant to let one of them come to me for instructions about taking care of their health. They sent Charette. After he got his instructions he put his heels together and saluted and said, "Sir, the men asked me to bring you a message." It looked as though they were getting ready to execute us. Everything looked that way. There was that one chance to send me a message. What do you suppose that message was?

I will not describe how we had stayed in the water after we came up, clinging to the edges of an old raft, with our bodies submerged, hiding as the Spaniards in launches closed in around us. My men knew they would kill us if they discovered us. For hours we remained. Again and again the men wanted to dive and swim away, each one for himself, but I would not consent, but just told them to stand by me, and they stayed. Now, you would think that a man once going through an experience like that would never want to go into it again. The message they sent to me was this—I can see Charette, with his heels together, as he said: "Sir, the men asked me to tell you that they would go in with you again to-night." [Applause.]

Gentlemen, we have just taken great responsibility upon us here in this Congress. I know the responsibility weighs heavily upon each one of you; but I want to tell you from my own personal knowledge that the confidence you have placed in the plain private, who represents the plain, average American citizen, out there at the front, where the drum is beating, the flag is flying, and the thunder is in the air—the confidence, however great, you have placed in them and in the officers that command them, will not be misplaced. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman from Alabama [Mr. HOBSON] yield for a question?

The SPEAKER. The gentleman's time has expired.

Mr. CRAMTON rose.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] is recognized for three minutes.

Mr. CRAMTON. Mr. Speaker, on the eve of this great crisis, and following the eloquent tributes that have been paid here by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Alabama [Mr. HOBSON] to the men who must bear the burden of war, I think it is only right that they should be followed in the Record by a tribute from Edgar A. Guest, Michigan's "Poet of Sentiment," to another class who must likewise bear its burdens—the mothers and wives. I read:

MOTHERS AND WIVES.

[By Edgar A. Guest.]

Mothers and wives, 'tis the call to arms  
That the bugler yonder prepares to sound;  
We stand on the brink of war's alarms,  
And your men may lie on a blood-stained ground.  
The drums may play and the flags may fly,  
And our boys may don the brown and blue,  
And the call that summons brave men to die  
Is the call for glorious women, too.



Mothers and wives, if the summons comes,  
 You, as ever since war has been,  
 Must hear with courage the rolling drums  
 And dry your tears when the flags are seen.  
 For never has hero fought and died  
 Who has braver been than the mother who  
 Buckled his saber at his side  
 And sent him forward to dare and do.  
 Mothers and wives, should the call ring out,  
 It is you must answer your country's cry;  
 You must furnish brave hearts and stout  
 For the firing line where the heroes die.  
 And never a corpse on the field of strife  
 Should be honored more in his country's sight  
 Than the noble mother or noble wife  
 Who sent him forth in the cause of right.  
 Mothers and wives, 'tis the call for men  
 To give their strength and to give their lives;  
 But well we know such a summons then  
 Is the call for mothers and loyal wives.  
 For you must give us the strength we need;  
 You must give us the boys in blue;  
 For never a boy or a man shall bleed  
 But a mother or wife shall suffer, too.

#### LAWS RELATING TO THE JUDICIARY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, with Mr. RUSSELL in the chair.

The Clerk proceeded with the reading of the bill and read to the end of line 15, page 51.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the further first reading of the bill be dispensed with.

Mr. BARTLETT. Reserving the right to object for a moment, I desire to ask if the further reading of the bill is dispensed with the gentleman from Louisiana intends to proceed with general debate, and after general debate is finished to proceed with the reading of the bill under the five-minute rule for amendment?

Mr. MANN. If the first reading is dispensed with, I shall raise the question of consideration in committee. If the bill should be considered in committee, there would be general debate, and after that the reading of the bill under the five-minute rule.

Mr. BARTLETT. If the committee votes to consider the bill, I will ask the gentleman from Louisiana if he proposes to proceed with the consideration of the bill?

Mr. WATKINS. If the gentleman from Illinois will give his reasons for not considering the bill, I may be able to answer.

Mr. MANN. I do not expect to give any reasons.

Mr. MURDOCK. Mr. Chairman, inasmuch as so much of the bill has been read, would not the easiest way be to proceed with it?

Mr. MANN. You are no further along after you finish the first reading than when you began. It has to be read again for amendment, and following the first reading is general debate.

Mr. MURDOCK. Then it will be read again under the five-minute rule.

Mr. MANN. Yes; the bill is read the first time for the information of the committee, and any member of the Committee of the Whole is within his rights in calling for the first reading of the bill.

Mr. BARTLETT. And any member of the committee is within the exercise of his rights if he calls for the enforcement of any rule of the House.

Mr. MANN. Certainly; and I have no criticism to make of the gentleman. I only raised the question to see whether the committee was willing to dispense with the further reading.

Mr. BARTLETT. I have no desire for the further continuation of the reading, and especially as it casts a burden upon the clerks who have to read it. It is an important bill, and I have never concealed my purpose in calling for the reading. I will say that I did not know that this bill was on the calendar until last Wednesday.

Mr. MANN. It was not on the calendar until Wednesday.

Mr. BARTLETT. I am opposed to some legislation that is on the calendar for consideration. I did not want to consider it last Wednesday, and I do not want it considered at all if I can prevent it. I think I am justified in exercising every rea-

sonable and proper method to defeat it, and without concurrence with the gentleman from Louisiana or without his knowledge or without any knowledge that the bill was on the calendar, I took advantage of the situation. Now, as far as I am concerned, Mr. Chairman, I do not desire to burden the reading clerks, nor do I wish to take up the attention of the House in reading the bill, and I have no objection.

The CHAIRMAN. Is there objection to dispensing with the further first reading of the bill?

Mr. WATKINS. Mr. Chairman, if it is proper for me to answer the question of the gentleman from Georgia as to whether or not if the further reading of the bill is dispensed with we will proceed with its further consideration, I am not prepared to answer it until I know the reasons that the gentleman from Illinois has for the postponement or against the consideration of the bill. I do not know what he is going to offer against the consideration. If I knew where he places his objection then I would be prepared to answer the gentleman from Georgia. Until I know the basis I can not answer the question.

The CHAIRMAN. The question is on the request of the gentleman from Illinois for unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I raise the question of consideration of the bill.

Mr. HAY. Mr. Chairman, I make the point of order that the gentleman from Illinois can not raise the question of consideration in Committee of the Whole House on the state of the Union.

The CHAIRMAN. The gentleman from Virginia makes the point of order that the gentleman from Illinois can not raise the question of consideration in committee. Does the gentleman from Virginia want to be heard?

Mr. HAY. Mr. Chairman, it is a very plain proposition that you can not raise it, because the consideration can only be raised in the House. The House has considered the bill and gone into Committee of the Whole on it. If you can raise the question of consideration in Committee of the Whole on a bill which the House has already agreed to consider, then that gives the Committee of the Whole greater powers than the House has.

Mr. BARTLETT. Mr. Chairman, I think the gentleman from Virginia [Mr. HAY] is correct on this proposition. As I remember, it is claimed that there was a ruling by Speaker Cannon on the subject, but I have not been able to find it. The House, Mr. Chairman, can refuse to consider any proposition before it, even though it be of the highest privilege, like an election case. But the question of consideration can not be raised in the House when a motion is made to go into Committee of the Whole House on the state of the Union for the consideration of a bill. If the Chair will examine the Manual, section 763, he will find that it is analogous to the rule I intend to invoke, where it says, in effect, that when a proposition is made to go into Committee of the Whole House on the state of the Union and some one raises the question of consideration on the bill, the rulings have been uniform that that question of consideration can not be entertained for the reason that the motion to go into Committee of the Whole House on the state of the Union when voted upon is itself a determination of the House to consider or not consider the bill. The rulings upon that question, Mr. Chairman, will be found in volume 5, Hinds' Precedents, section 4973, 4974, 4975, 4976.

One of the instances I recall was when I raised the question of consideration upon the banking and currency bill and the gentleman from Pennsylvania, Mr. Dalzell, was in the chair. He would not entertain the question whether the House would consider it, but put the question whether the House would go into Committee of the Whole House on the state of the Union. His opinion will be found in section 4976 of Hinds' Precedents. A number of instances will be found, one where Mr. Bland made a motion to go into Committee of the Whole House on the state of the Union to consider the silver coinage bill, and Mr. Hendricks, of New York, raised the question of consideration. Speaker Crisp ruled that the question of consideration was not one to be taken up by the House when it could be solved by the simple vote on a motion to go into Committee of the Whole House on the state of the Union, because the one dispensed with the other, and both amounted to the same thing. If the House votes to go into Committee of the Whole House, that is a vote to consider the bill. If it votes not to go into the Committee of the Whole House, it votes not to consider the bill. I take it there can be no question about that.

Now, the bill having gotten into Committee of the Whole, the question of consideration can not be raised in Committee of the Whole by analogy for the same reason that it could not be considered in the House upon a motion to go into Committee of the Whole. Why? The House can refuse to consider the bill



by simply agreeing to a motion that the committee rise and report the bill to the House for disposition or, if the bill has not been completed, that the committee do simply rise. If we decide that in the affirmative by voting it up, we do not consider the bill any further, except by direction of the House. If we vote it down, the House then determines to go on and consider the bill, so that the rules and the precedents upon the rules are analogous.

But we are here upon a Calendar Wednesday, Mr. Chairman. Calendar Wednesday was obtained for the special purpose of considering bills; and because we have bound ourselves to consider bills on Calendar Wednesday, and because we say that when a bill is reached which is required to be considered in the Committee of the Whole House on the state of the Union or in the Committee of the Whole, therefore we have put ourselves in the position where we can not raise the question of consideration. We have done it with our eyes open. Calendar Wednesday was insisted upon, advocated, clamored for, in order to dispose of the business on the calendar, and because no other means could be secured, and we hedged it around by certain restrictions and certain privileges, so as to make it almost sacred, and I believed it is called sacred Calendar Wednesday.

Mr. SAUNDERS. Holy Wednesday.

Mr. BARTLETT. Yes; holy Wednesday. Now, Mr. Chairman, the committee can rise if it votes to do so, or if it wishes to continue the consideration of this bill it can vote down the motion that the committee do now rise, and that is a decision of the question whether the committee will consider the bill or go further with it. I do not know of any rule or precedent other than the decision of Speaker Cannon which authorizes the raising of the question of consideration against a bill in Committee of the Whole.

The CHAIRMAN. Will the gentleman from Georgia permit the Chair to ask him a question?

Mr. BARTLETT. Most assuredly.

The CHAIRMAN. Does the gentleman understand that there is any time at which the question of consideration can be raised on Calendar Wednesday in a case like this; and if so, when?

Mr. BARTLETT. If that is the rule, we made it; and we might as well stand by it.

The CHAIRMAN. Does the gentleman think the question of consideration can be raised in the House before the House automatically goes into the committee?

Mr. BARTLETT. I doubt very much whether it can. I would not like to give the Chair a definite opinion on that.

The CHAIRMAN. The Chair is of the impression that a majority ought to be able to determine in some way whether they will take up a bill or not, either in the House or in committee.

Mr. BARTLETT. Certainly this House could by a two-thirds vote dispense with the consideration of this bill on Calendar Wednesday, and the rules have provided for dispensing with Calendar Wednesday. I do not mean that you could dispense with a particular bill. But I say the House is not powerless to refuse to consider a bill on Calendar Wednesday. The House, by the vote prescribed in the rule, a two-thirds vote, can dispense with Calendar Wednesday and so dispense with the consideration of this bill. If this bill is going to take up all day and the House does not want to consider it, it can, by the proper vote, dispense with it. So the House has only fixed a different rule as to how we shall refuse to consider bills on Calendar Wednesday. It has fixed a different majority. If we are not satisfied with the rule we have adopted in reference to Calendar Wednesday, let us change the rule. We made the rule for the purpose of considering bills. So far as I am concerned I do not see any difference between the proposition to vote down a motion to go into Committee of the Whole, which is a determination of the question of consideration, and voting in Committee of the Whole that the committee rise and report progress.

The CHAIRMAN. The Chair will ask the gentleman a question there: If the motion is made now that the committee rise and go back into the House, and that motion is carried, then, as soon as we go back into the House, are we not in exactly the same place where we started, and does not the House automatically go back into Committee of the Whole?

Mr. BARTLETT. If that is the rule, I do not undertake to decide that. That has been the practice. I understand that what the Chair means is that the House having automatically resolved itself into the Committee of the Whole on Calendar Wednesday, if the motion should be carried that the committee rise and report to the House that it had come to no resolution on the bill, then, unless there was some method by which the

bill could lose its place on the calendar, by unanimous consent or in some other method, the House would automatically go back into Committee of the Whole and continue the consideration of the bill. Suppose that is the condition. We have made it by this rule, and it seems better to follow a bad rule than to make one without authority of the House. That is my position.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7138. An act to provide for raising the volunteer forces of the United States in time of actual or threatened war.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, numbered 24, 113, 121, 123, 137, 161, and 164, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. LEA of Tennessee, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

#### MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

#### LAWS RELATING TO THE JUDICIARY.

The committee resumed its session.

Mr. MURDOCK. Mr. Chairman, I have a single suggestion that I want to make to the Chairman before he rules. One week ago the gentleman from Missouri [Mr. ALEXANDER] was in the chair as Speaker pro tempore, and the point of order was made against the question of consideration raised on this bill in the House, and he ruled that the question of consideration could not be raised in the House on Calendar Wednesday. Now we are in Committee of the Whole, and the question of consideration is raised, and the point of order is made against it. I want to call the attention of the Chairman to the rule of consideration. It is found in Rule XVI, clause 3, and it says:

When any motion or proposition is made the question "Will the House now consider it?" shall not be put unless demanded by a Member.

That is, the question is not "Will the Committee of the Whole now consider the bill?" but "Will the House now consider the bill?"

I know the embarrassment of the Chair in regard to Calendar Wednesday, and the fact that the House automatically resolves itself into the Committee of the Whole House on the state of the Union would seem to preclude the question of consideration in the House; but the same rule which provides for Calendar Wednesday provides that a two-thirds majority of the House may dispense with Calendar Wednesday.

Now, if it is not in order to raise the question of consideration in the House on Calendar Wednesday, how would it be possible to get a vote of two-thirds of the Members in the House to dispense with Calendar Wednesday? It seems to me there must be within the bounds of the Speaker's right to rule power to give the House opportunity to act in the consideration of all matters in order on Calendar Wednesday. However, the idea I want to convey to the Chair is this, that if he follows the ruling of Speaker Cannon that in the Committee of the Whole on Calendar Wednesday it is possible to raise the question of consideration, we deprive the House of the opportunity to have a roll call on the question of consideration. We have the opportunity for a roll call in the House, but not in the committee. If, then, it is in order to raise the question of consideration in the House, we can put the House on record in these matters. If the ruling of the Chair to-day is that of Speaker Cannon, that the question of consideration is in order in the Committee of the Whole, we can not have a roll call, and I think that is of moment for the Chair to have this in mind before he rules.



Mr. MANN. Mr. Chairman, the point just made by the gentleman from Kansas [Mr. MURDOCK] that the form of the question is, "Will the House now consider the bill?" emphasizing the word "House," is not tenable at all, because the rules provide that the rules of procedure in the House shall be observed in Committees of the Whole, so far as they may be applicable. The form being stated, "Will the House now consider the bill?" does not make any difference. The question is whether this rule in reference to consideration is applicable in Committee of the Whole.

Let us see what the situation is.

Mr. MURDOCK. Mr. Chairman, before the gentleman goes into that next heading, will he yield?

Mr. MANN. Certainly.

Mr. MURDOCK. If what the gentleman says is true about the House and the Committee of the Whole being identical, so far as the rules are concerned—

Mr. MANN. But I did not say that.

Mr. MURDOCK. Did not the gentleman virtually say that?

Mr. MANN. Oh, no.

Mr. MURDOCK. That the rules of the House applied to the Committee of the Whole?

Mr. MANN. So far as they are applicable. We do not have a roll call in Committee of the Whole, and we can not have a motion to recommit in Committee of the Whole.

Mr. MURDOCK. And we can not adjourn.

Mr. MANN. We can not adjourn in Committee of the Whole. There are a number of things that we can not do in Committee of the Whole; but so far as the form of the question is concerned, using the word "House," that does not, in my judgment, amount to anything, because if the rule is applicable at all, it is applicable in Committee of the Whole, and the form would be, "Will the committee now consider the bill?"

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARTLETT. I am not speaking now with reference to Calendar Wednesday; but would not the voting down of the motion that the committee do now rise be a determination ordinarily without reference to Calendar Wednesday that the committee desired to consider the bill?

Mr. MANN. Undoubtedly. What is the situation? Ordinarily you can not raise the question of consideration in Committee of the Whole, either in Committee of the Whole House on the state of the Union or in Committee of the Whole which is considering Private Calendar bills. You can not raise it on the Private Calendar, because a motion is in order to take up one bill as against another bill, and the committee has control of the question. If it has more than two bills on the calendar, it can take up whichever it desires on motion, and if it has only one it can rise if it does not want to consider it. Ordinarily the motion is not applicable in Committee of the Whole House on the state of the Union, because ordinarily you do not get into that committee at all except by motion, and the rulings have been practically consistent that having the right to vote down the motion, if the House votes the motion through, you can not raise the identical question as soon as you get into the committee, because that would be a waste of time.

If this bill had been a House bill, called up by the gentleman from Louisiana, you could raise the question of consideration upon it in the House at once. The rules do not contemplate that a Union Calendar bill has any greater rights on Calendar Wednesday than a House bill. Ordinarily on a call of committees you could not consider a Union Calendar bill at all. This is a Union Calendar bill. Under the old rules it would not have been taken up on a call of committees, but when Calendar Wednesday was established there was authority given on the call of committees, in addition to considering House bills, to consider Union Calendar bills by merely calling them up. If it were a House bill, you could raise the question of consideration and decline to consider the bill, but it is a Union Calendar bill.

When that rule was established there was nothing said in the rule as to whether it required a motion to go into Committee of the Whole House on the state of the Union or whether that would be done by declaration of the Speaker resolving the House into the Committee of the Whole House on the state of the Union and calling a Chairman to the chair. I shall not undertake to say which would be the proper procedure. Personally I was inclined to think, in the first place, that the proper thing to do was to have a motion to that effect, but such a motion might be used for filibustering purposes on a roll call, and the Speaker, Mr. Cannon, held that under the rules the House would automatically resolve itself into the Committee of the

Whole House on the state of the Union without a motion. You could not, therefore, defeat a motion and refuse to go into Committee of the Whole. The House resolves itself into Committee of the Whole. This very question, as I recall it—and I have not read the proceedings in reference to it, and I do not speak with accuracy—was raised at the time before the Speaker made his ruling. What would be the effect, if you have an automatic resolving of the House into Committee of the Whole, on the question of consideration? You can not vote down a motion, because none is made; and is the House to be left in a position where it can not refuse to consider a bill? The Speaker, as I recall, at that time declared that that was something which could be done in the Committee of the Whole.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman? I understood such a decision had been made, but I have not been able to find it.

Mr. MANN. I know that such a decision was made.

Mr. HAY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAY. If the Chair should hold that it is in order to raise the question of consideration in the committee, and the question was raised, and the committee refused to consider the bill, then the only thing for the committee to do would be to rise.

Mr. MANN. I think so.

Mr. HAY. Suppose the gentleman from Louisiana [Mr. WATKINS], chairman of the Committee on Revision of the Laws, upon which the call of committees rests, were again to call up this same bill, how could we prevent the House resolving itself into the Committee of the Whole House for the consideration of the same bill?

Mr. MANN. I do not think he could call up the same bill again.

Mr. HAY. Why not?

Mr. MANN. For the same reason that when the House raises a question of consideration on a House bill and the House declines to consider it, and the gentleman's committee still has the call, he can not again call up that bill.

Mr. HAY. I understand that; but that is in the House and this is in the committee.

Mr. MANN. That is true.

Mr. HAY. When we get back into the House the action of the committee surely will not control the House.

Mr. MANN. I think it will control the House.

Mr. SHERLEY. That is something I wanted to suggest to the gentleman—whether the House would have such knowledge of the action of the committee as to warrant it in refusing recognition to a Member to go back into committee for the consideration of the same bill.

Mr. MANN. I will not undertake to cross that bridge. I do not undertake to say that the House could not reject the action of the committee. That is another proposition; but unless the House rejects the action of the committee by a direct vote in the House, then I think the House is bound by the action of the committee.

Mr. SHERLEY. How could the House pass upon it if, under the rule, you automatically go back into the committee upon motion being made and if the motion be in order? The trouble is the House has gotten itself into the condition by a wrong ruling in the first place.

Mr. MANN. I think not. If the committee refuses to consider the bill and reports it back to the House, I am not sure a motion would not be in order then to consider the bill; but in the absence of such a motion being made in the House and carried in the House, I do not think the same bill could be called up again because the committee has reported to the House that the committee had declined to consider the bill.

Mr. SHERLEY. I think the whole trouble was in ever proceeding on the theory that a question of consideration could not be raised before going into the Committee of the Whole House on the state of the Union in the first instance on Calendar Wednesday.

Mr. MANN. But the only way you can do that is by motion, and the Speaker pro tempore [Mr. ALEXANDER] has ruled on this bill that you could not raise the question of consideration in the House. Now, let us see where we would leave ourselves. If you say that you can not raise the question of consideration in the House, and you can not as long as you have an automatic resolving of the House into the Committee of the Whole, and if you add to that that you can not raise the question of consideration in the committee—

Mr. BARTLETT. The gentleman could not raise the question in the House upon any bill, regardless of Calendar Wednesday,



where a motion was made to go into the Committee of the Whole to consider it, could he?

Mr. MANN. The gentleman has stated that, and so have I, and so has everybody else, I guess. There is no controversy about that. That has been stated here before. Now, see where we would leave ourselves. Here is a bill, taking an actual case, 198 pages long, with several hundred amendments to it. Everybody knows if anyone wanted to filibuster, or particularly if a minority wanted a filibuster on a bill of this kind, it would be impossible on Calendar Wednesdays to finish it in months. It could not be finished at this session of Congress if this session should extend to September or October. Now, can it be possible that it will be held by Members of the House that the committee shall be left in the position where it must proceed with the consideration of a bill which it does wish to consider, and which a minority of the House wants to use solely for the purpose, I will assume—not in this case, but in another case—for the purpose of preventing other bills from coming before the House? That would be to kill Calendar Wednesday just as dead as though it were not in existence.

Mr. LLOYD. Mr. Chairman, I regret very much that anybody should undertake to delay consideration of this bill as is being done. If we had gone ahead with a reasonable consideration of the bill on last Calendar Wednesday, and were now at work under the five-minute rule, as we might be, and as we ought to be, this bill should be finished within a reasonable time. This is one of the most important bills that will be before this House. There are no politics in it of any kind, there is no reason why anybody should oppose its consideration, and apparently the only reason that anybody opposes the consideration of this bill at this time is because they do not wish some other bill to be considered, and the longer we delay in having these preliminary discussions about consideration and about the rules the longer it will take to consider this bill finally. If we were at work right now, as we ought to be, under the five-minute rule, we would soon get through with this bill, notwithstanding it is 198 pages long, because the probabilities are the Clerk would read along page after page and there would be but few amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MANN. Does the gentleman recall the two codification bills we passed, the criminal code and the judicial title?

Mr. LLOYD. Yes.

Mr. MANN. Does the gentleman recall how long we were considering those?

Mr. LLOYD. On those two bills I think we were nearly two weeks.

Mr. MANN. Nearly two weeks; we were more than two months, and never finished either one.

Mr. LLOYD. I am not sure about the time, but my recollection is it was not more than two weeks—that is, 12 days.

Mr. MANN. The gentleman says 2 weeks and then 12 days. Two weeks and 12 days are different, but we never finished either one of them in committee.

Mr. BRYAN. Twelve days of Calendar Wednesdays would be three months, so it would take all summer.

Mr. LLOYD. This bill can not take that long. There is nothing in this bill except the judiciary—

Mr. MANN. There was nothing in the criminal code except the codification and nothing in the judicial title except—

Mr. LLOYD. Nothing in the criminal code except everything affecting criminality connected with the statutes of the United States. Here is nothing except the judiciary and its method of procedure.

Mr. MANN. The judicial title covered that. That was a codification of the laws we had passed in relation to the courts. That was one we had up here for weeks and weeks, and the question of consideration was threatened to be raised several times. Mr. Moon of Pennsylvania asked and beseeched each time, hoping that he would get along, but he never finished the bill in the House—

Mr. LLOYD. The chairman of the committee informs me we considered the judicial code for four Wednesdays.

Mr. SHERLEY. I think the gentleman is mistaken about that.

Mr. MANN. We considered it more than any four Wednesdays.

Mr. SHERLEY. I was a member of the joint committee that put both of those laws on the statute books. I have no objection to the consideration of this bill, but in my judgment it is impossible to ever get a codification bill through if it is not considered by the House and Senate practically at the same time in the two years of a Congress.

That was the history of this House four or five years, and because it was the history the House and the Senate created a joint committee that worked together in reporting such bills. These bills were reported in the House and in the Senate at the same time, and practically taken up and considered in the House and the Senate at the same time, so as to leave only a question of conference between the two bodies, because prior to that we had found that the delay in passing any one of the bills through one body was so great as to bring it at a time not only in the life of the session, but in the life of a Congress, as to make it impracticable to pass it in the other House and put it on the statute books.

Mr. LLOYD. I do not see as that makes any particular difference, because you have to take the time to consider it in the House and in the Senate, and whether they consider it concurrently or not is a different proposition.

Mr. SHERLEY. No; it is not, and for this reason: The Senate will never get hold of this bill until after it has passed through the House. Then it is necessary for the Senate Committee on Revision, if that committee does its work at all well, to give it days and days of arduous work. I know this, because I, as a member of the committee, came here to work when Congress was not in session, and to do that work efficiently it means practically to exclude consideration of everything else by the man who is working on it. By the time the Judiciary Committee would be in a position to report the bill the House has passed, the Congress would be at an end.

Mr. LLOYD. That may be true as to this bill.

Mr. MANN. The gentleman from Kentucky will recall, and I think the gentleman from Missouri [Mr. LLOYD] as well, that both of the other codifications were passed by passing the Senate bill under suspension of the rules.

Mr. SHERLEY. I think the gentleman is mistaken, because I went into conference on the penal-code bill, and it became a law—

Mr. MANN. I will tell the gentleman how it happened. After we had considered this codification bill on Calendar Wednesday in the Committee of the Whole for a long time, toward the very close of the session the Senate bill came over here from the Senate. The motion to suspend the rules was made. I know, because I drew the motion to suspend the rules and pass the Senate bill with an amendment striking out all after the enacting clause and inserting the bill of the House, and then asked for a conference. That was the way it was passed.

Mr. SHERLEY. My memory is, but I will not be certain about it, that the penal-code bill was gotten up under a special order of the House—not on Calendar Wednesday at all—which made it a standing order, and it was considered from time to time and got both through the House and through the Senate. It then went into conference, and I recall there was quite a conflict as to the conference report, which had been practically agreed to in conference, when a certain Senator made the statement that he would not permit the bill to come up if one provision was not eliminated. We afterwards eliminated that provision in conference and then passed the bill a few hours before the adjournment of the Congress.

Mr. MANN. It was done by moving to suspend the rules, take the bill from the Speaker's table, strike out all after the enacting clause, and insert the House bill. Then a conference was asked.

Mr. SHERLEY. I think that was practically after we finished the House bill.

Mr. MANN. It was before we finished it.

Mr. SHERLEY. But this is the point that I think this committee ought to understand: It is absolutely impossible, in my judgment—and I speak because, perhaps, I have had more experience than any present Member of this Congress touching codification—to ever get a bill properly before this House and then have it properly considered independently in the Senate and passed.

Now, the gentleman says this bill is a simple codification. If it is a simple codification, we are wasting our time, because it deals with a lot of matters that ought to be more than codified. The judicial code and the penal code were not only a codification, but were properly made new law.

Mr. LLOYD. There are changes in existing statutes provided for in this particular bill. I appreciate all that is said with reference to the difficulty of getting a bill like this through. I have had considerable experience with revision myself. A number of years ago we had a revision of the Alaskan Code. The law used to be that the laws of Oregon should be the laws of Alaska so far as they were applicable, and the revision committee—this particular committee—undertook to revise the law and to designate which laws were applicable and to make such amendments as were necessary



to make the laws applicable—a very difficult task. Now, the consideration of that bill took some three weeks in the House. It included both the civil and criminal statutes.

Mr. MANN. That was all done at night sessions.

Mr. LLOYD. Not all of it. We did both. We had day sessions as well as night sessions.

Mr. MANN. I think the gentleman was mistaken.

Mr. LLOYD. Hon. Vespasian Warner was chairman of the committee, and I do not do anybody any harm when I say that he and I were responsible mainly for the work that was done at that time.

Mr. WATKINS. Mr. Chairman, the House of Representatives and this Committee of the Whole would be placed in a ridiculous light before the country to say that after this bill has been under consideration in the Committee of the Whole for two Calendar Wednesdays, and until this late in the day, now we should not consider it because of the fact that the time when it should have been considered—that is, the question raised—should have been in the House of Representatives. In other words, Mr. Chairman, whether we go into consideration of this bill in the Committee of the Whole to determine that question in the Committee of the Whole, or whether we determine it in the House, is already a settled question. We are already considering the bill. We have already used hours and hours in its consideration. We have not voted on any proposition in the bill, it is true; but if it were an appropriation bill, which was large enough to take several hours or days to read, or any other measure that would take this length of time that has been taken by this bill, and it should be thought that it should be brought before the House, how would it be an economy of time, as argued by the gentlemen on the other side, to wait until the bill has been partially or nearly read in this House? How could it be an economy of time to stop in the midst of the proceedings and raise a question as to consideration?

The CHAIRMAN. Will the gentleman yield to the Chair?

Mr. WATKINS. Certainly.

The CHAIRMAN. The Chair understands the question of consideration can not be raised until the bill has been read the first time, or the reading waived.

Mr. WATKINS. Then, if that is the case, Mr. Chairman, the proper procedure would be that the Committee of the Whole should not determine the question as to whether we shall consider the bill or not, but is a question that is left to the House, because the Committee of the Whole is under the province, jurisdiction, and control of the House of Representatives.

It is not a question for the Committee of the Whole to determine whether or not, on a bill which comes from the House of Representatives and as to which the House of Representatives has delegated the authority to the committee to proceed with the bill, to take away from the House of Representatives the right to control the management and order of its affairs—to take it out of the House and control it by the committee.

Mr. Chairman, if it is a fact that the Committee of the Whole could prevent the consideration of a bill, the House of Representatives would be deprived of the right to say what should be the course of its proceedings and how the proceedings in the House of Representatives should be controlled. This is strictly and purely a question for the House to consider, and not a question for the committee to consider.

It may be that the proper course to be pursued would be for this committee to rise for the purpose of submitting this question to the House of Representatives. It is not a fact that every time the committee rises we cease entirely the consideration of a bill which has been before the House. Many times when the committee rises and makes a report upon the progress of a measure before the House it is perfectly proper; but it is not proper for the House, under the rules, to prevent the subject from originally being considered. But if it is not possible to regulate the order of its consideration after the bill is read by the House, it is certainly the province of the House to control the order of its procedure.

Why, even in any parliamentary body where we may be proceeding, and where the rules are not specifically stated, we are governed by Jefferson's Manual. The rule is provided that in cases which are not covered specifically by the rules we should be governed by Jefferson's Manual. We know that in most meetings and conventions and assemblies and other bodies when committees are appointed those committees are expected to report back their proceedings to the body by which they were appointed.

The duty of proceeding with the consideration of this bill has been delegated by the House to the committee, and the only proper thing under the circumstances would be for the committee to rise and report to the House the fact that they were ready to proceed with the consideration of the bill and ask if

it is the pleasure of the House for the consideration of the bill to be proceeded with.

Mr. SAUNDERS. Mr. Chairman, this is a very interesting question of order, but it seems to me that there are certain fundamental principles involved that forbid the conclusion that this motion can be made in Committee of the Whole. The rules very distinctly provide that the rules of the House shall be operative in the Committee of the Whole so far as they may be applicable to the conditions there prevailing. The extent of their use depends upon the precedents, and the construction of the Chairman, when dealing with novel situations.

Why is it that the question of consideration may not be raised in the House against this particular bill? The answer given is that the rule forbids it.

In effect this amounts to saying that a rule which forbids the question of consideration to be raised in the House operates to afford this right to a subordinate creation of the House. Such an interpretation presents a rather anomalous situation. We create a body of rules for the House and provide that these rules may be used in committee to the extent that they may be applicable. But this is the first time that the contention has been distinctly presented that a rule which forbids the exercise of a right to the Members of the House, operates ex necessitate rei to afford that right to the members of the Committee of the Whole. It strikes me that this is rather illogical.

The CHAIRMAN. The Chair would like to ask the gentleman a question, so that he can enlighten the committee. Does the gentleman from Virginia believe that this question could properly have been raised in the House before it automatically resolved itself into Committee of the Whole House on the state of the Union?

Mr. SAUNDERS. Without going into the reason for the ruling, or giving my approval to the same, I understand that a ruling has been made to the effect that this particular bill, owing to the particular calendar from which it has come, is automatically taken into the Committee of the Whole, to the exclusion of a question of consideration in the House. But it does not follow therefore that the question of consideration can be raised in the Committee of the Whole. Merely because the rule, as interpreted, forbids a Member to raise the question of consideration in the House, affords no reason for the conclusion or deduction that it thereby affords authority to raise this question in a subsequent session of this committee. The right to raise the question of consideration is a right under the rules. Hence it is perfectly competent for the rules to provide that as to bills coming from a certain calendar the question of consideration shall not be raised at all, either in the House, or in the committee.

The CHAIRMAN. Then does the gentleman think that, under the rules as they are, that question can not be raised at all?

Mr. SAUNDERS. That seems to me to be the logical situation, having in mind the antecedent ruling with respect to bills from the Union Calendar.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield to me before he goes further?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Kansas?

Mr. SAUNDERS. Yes.

Mr. MURDOCK. If what the gentleman says is true about the question of consideration, how would the gentleman from Virginia—and I have great respect for his parliamentary knowledge—dispense with the Calendar Wednesday? What would be the proceeding?

Mr. SAUNDERS. By a motion to that effect.

Mr. MURDOCK. That is provided for in the rules of the House?

Mr. SAUNDERS. Yes.

Mr. MURDOCK. But it is no more in the rules of the House than is this question of consideration.

Mr. SAUNDERS. Certainly not.

Mr. MURDOCK. Then why does the gentleman contend that that question can not be raised?

Mr. SAUNDERS. I have stated that having in mind an antecedent decision which stands unreversed it is conceded that this question could not be raised in the House as to this bill; but I have stated further that because the rule so interpreted, deprives the Members of the House of a right, it does not follow that the same rule affords this right to the members of the Committee of the Whole. Hence there is no ground for believing that this right exists in the Committee of the Whole. I do not agree with the propriety of the original ruling, but that decision is not necessarily in issue. Admitting its authority, of the decision, it does not carry with it the conclusion drawn by the gentleman from Illinois.



I wish to call the attention of the Chairman to another matter in this connection, and that is that the House is not helpless in respect to the consideration of this or any bill. The same rule that allows the House to dispense with Calendar Wednesday, may be invoked to dispense with the consideration of some particular bill on Calendar Wednesday.

The CHAIRMAN. By a two-thirds vote?

Mr. SAUNDERS. Yes; by a two-thirds vote, so that the House, and not the Committee of the Whole is vested with full authority to determine whether it will, or will not, consider this bill, or any other bill from the Union Calendar. When we get back into the House under the familiar motion to rise, then the appropriate motion may be made in this connection by any Member. If he wishes to displace this bill, he need only make the motion to dispense with the same, and if the necessary votes are forthcoming, the bill will be displaced.

This motion will raise the question of consideration and the mere fact that a two-thirds vote will be required, need not concern the House, nor the Chair, for we are interpreting, not making rules. This is merely a question of what the law is; and if the rule chooses to provide—and it appears to have so provided, as a result of the decision to which I have referred—that so far as this particular bill is concerned, the question of consideration must be sustained by a two-thirds vote, we need not concern ourselves with the conclusion, if it is fairly deduced from the rule. We are not here to make rules. We are concerned to provide a body of precedents that will make the rules coherent and effective.

The CHAIRMAN. Does the gentleman from Virginia construe this rule to mean that we could dispense with a single bill on the calendar?

Mr. SAUNDERS. Undoubtedly. Why not? There is nothing in the rule that militates against that view.

The CHAIRMAN. The rule is as follows:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House, by a two-thirds vote, on motion to dispense therewith, shall otherwise determine.

Mr. SAUNDERS. In other words, to dispense with Calendar Wednesday, or some particular business which at that time is before the House. Now why is that an unreasonable interpretation?

The CHAIRMAN. The Chair is not certain but that that rule applies to the entire day.

Mr. SAUNDERS. I admit that it does apply to the entire day, and if it does apply to the entire day, then in conformity with a very familiar illustration, what is broad enough to apply to and include the whole may be construed to apply to something that is included in and therefore less than the whole. The business that may be transacted on Calendar Wednesday is less than the day itself, and if this House is competent to set aside so solemn a thing as holy Wednesday, by a two-thirds vote, then it is a simple conclusion, it seems to me, that that same House is clothed by virtue of that authority with the power to displace some particular bill business that two-thirds of the House is indisposed to consider.

Mr. MADDEN. Will the gentleman yield for an interruption?

Mr. SAUNDERS. Yes.

Mr. MADDEN. Would the gentleman's argument lead to the conclusion that if Calendar Wednesday was dispensed with to meet the present case, the pending bill would then take its place on the calendar on the succeeding Calendar Wednesday?

Mr. SAUNDERS. There has been so much refinement in the rulings in connection with Calendar Wednesday, that I do not desire to go a bit further, and undertake to make anticipatory rulings. I wish to plant myself squarely on solid ground in this connection, and am trying to point out that as it is admitted that we can dispense with the whole day by a two-thirds vote, the same rule which affords this authority will enable us to get rid of any encumbering legislation that we do not care to consider.

Mr. MADDEN. Would that dispose of the legislation entirely for the session of Congress?

Mr. SAUNDERS. We can dispose of the whole day. Therefore we can dispose of a fragment of the business, and thereby reach that business in which the House is more immediately interested.

The CHAIRMAN. The gentleman admits, I think, that on Calendar Wednesday the question of consideration could be raised in the House against a bill that is on the House Calendar.

Mr. SAUNDERS. Yes.

The CHAIRMAN. And the House by a majority vote could determine not to consider it.

Mr. SAUNDERS. Yes.

The CHAIRMAN. Now, even admitting that the gentleman is right, that you can dispose of a part of the calendar, should

there be any distinction in requiring a two-thirds vote to determine not to consider a bill on the Union Calendar and a majority vote for a bill on the House Calendar?

Mr. SAUNDERS. Well, your honor—and in view of your title I may very properly address the present Chairman as "your honor"—in the interpretation of a law it sometimes becomes necessary to make distinctions that probably were not in the mind of the lawmakers at the time the law was enacted. Having found ourselves in this connection unable to raise and determine the question of consideration by a majority vote, the rule as interpreted, forbidding it, but still wishing to find somewhere in the rule the right given to raise the question of consideration, we find it in the right to dispense with the consideration of any bill from the Union Calendar by a two-thirds vote. Thus interpreted the rule preserves the right to continue Calendar Wednesday, and at the same time by a two-thirds vote reject consideration of an undesirable bill. Thus Calendar Wednesday will be preserved, and business will go forward. At the same time we will escape the anomalous situation of depriving the House of the right of consideration, and giving it to a committee.

The CHAIRMAN. The Chair finds this reference here:

No preference to bills on the House Calendar over bills on the Union Calendar.

Mr. SAUNDERS. Certainly.

The CHAIRMAN. Now, if the gentleman is correct in his reasoning, you could raise the question of consideration and defeat the consideration of a bill on the House Calendar by a majority vote.

Mr. SAUNDERS. Yes.

The CHAIRMAN. But you could not defeat the consideration of a bill on the Union Calendar except by a two-thirds vote, and there would be a discrimination.

Mr. SAUNDERS. But observe that we are driven to that conclusion by reason of the fact that a distinction has been created by the antecedent ruling to which reference has been made. It is this ruling that has made the original distinction. I am not making the distinction. The ruling heretofore made that the question of consideration can not be raised against bills coming from the Union Calendar, but that the House must automatically go into the Committee of the Whole, is the cause of our present predicament. That decision has made a distinction between the two classes of bills. One may be voted down by a majority vote, the other is automatically taken into the Committee of the Whole. This basic decision compels the conclusion that the question of consideration may not be raised at all against bills coming from the Union Calendar, save by the motion to dispense with the offending bill. I am not attacking that ruling at present. It is not necessary to do so; but the decision having made the distinction, I am trying to go forward in a logical way, to the conclusions that flow therefrom, and derive the necessary authority from the rule to preserve some particular Calendar Wednesday, and at the same time enable the House to displace some objectionable bill.

In this connection I do not think you ought to lose sight of the fact that the Chair is making another distinction should it hold that the question of consideration can be raised in Committee of the Whole. Such a conclusion is contrary to the fundamental relationship between the Committee of the Whole, and the House, the creator, and the thing created. It is in contravention of the antecedent practice of this House, to clothe the Committee of the Whole, with any such power. Such a ruling will give the Committee of the Whole, with respect to bills coming from the Union Calendar, a power which it does not enjoy with respect to other bills that are committed to its consideration.

Mr. LLOYD. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. LLOYD. What is the distinction that the gentleman makes in the effect that would result? You raise the question of consideration. You take a vote, and in that way you dispense with the bill if you do not wish to consider it.

Mr. SAUNDERS. Yes.

Mr. LLOYD. But instead of that you say we may make a different motion, which would have the same effect. That motion would be to dispense with the consideration of this particular bill.

Mr. SAUNDERS. The difference is that one requires a majority vote, and the other a two-thirds vote, that is all.

Mr. LLOYD. But the effect of it is exactly the same.

Mr. SAUNDERS. The effect is the same. We all agree to that. The difference is in the route by which you arrive at your result.

Mr. LLOYD. What I am getting at is this: If you can not do the one, how can you do the other?



Mr. SAUNDERS. There is no difficulty whatever in that query. The rules expressly provide that you can do the one, and we are limited as to the other by the effect of the ruling that I have cited.

Mr. LLOYD. I do not think the rule specifically provides for it. You may by deduction reach the conclusion, but the rule itself has no provision.

Mr. SAUNDERS. The gentleman might make that criticism with respect to the interpretation of any rule. I say the rule provides for this motion because in plain language it says that with respect to business that is before the House it shall be carried on, unless by a two-thirds vote on a motion to dispense therewith, the House shall otherwise determine. The rule says that, and to say that this language applies only to Calendar Wednesday is giving a narrow and unreasonable effect to the language used. In other words you claim that these broad terms, allow us to dispense with the whole day, by a two-thirds vote but forbid us by a like vote from removing from consideration a single piece of legislation proper to be considered on that day.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. FESS. The question of consideration requires a majority vote?

Mr. SAUNDERS. Yes.

Mr. FESS. To dispense with Calendar Wednesday would require a two-thirds vote, would it not?

Mr. SAUNDERS. Yes.

Mr. FESS. Then if you can raise the question of consideration in Committee of the Whole, which I do not think we can, is not that equivalent to suspending the rules and Calendar Wednesday?

Mr. SAUNDERS. That is the logical deduction from allowing this question to be raised in the Committee of the Whole, and therefore the illustration furnishes an additional reason why the point of order should be sustained.

Mr. FESS. The consideration of the question requires but a majority vote in the House, and if it was made in the committee it should require a two-thirds vote since it works a change of the rules.

Mr. SAUNDERS. I do not know that I exactly catch the full meaning of the gentleman's question.

Mr. FESS. If we could raise the question of consideration in Committee of the Whole and the committee negatively acted upon it, it would operate to suspend the rules for Calendar Wednesday which had required the House automatically to go into Committee of the Whole. Thereby would we not have a rule for a question of consideration to be determined at one time by a majority and at another time by two-thirds vote?

Mr. SAUNDERS. I understand the gentleman's proposition and will amplify it a little. The gentleman contends that as the rule provides that this bill shall be automatically considered in Committee of the Whole, we are considering it in Committee of the Whole by virtue of the rule. Hence if the Committee of the Whole is now allowed to dispense with consideration by a majority vote we are setting aside a rule of the House, which is in effect a suspension of the rules, and requires a two-thirds vote. I think the gentleman's argument has force in it. The rule having sent the bill to us for consideration, of course if we undertake to say by a mere matter of a majority vote in the committee that we will not consider this subject matter, we have set aside the operative effect of a rule of the House, of a rule under which we are acting, and which is therefore the charter of our authority to act.

Mr. GARNER. Will the gentleman from Virginia yield?

Mr. SAUNDERS. Yes.

Mr. GARNER. Suppose the Chair should hold that a majority vote of the committee could refuse to consider this bill and the committee rose and went back into the House. Suppose the Speaker held that it took a two-thirds vote to carry out the wishes of the committee and failed to get the two-thirds vote, we would immediately go into Committee of the Whole and be in the anomalous position of being in committee and refusing to consider the bill. The result of that would be that we would go right around in a circle.

Mr. WATKINS. The Committee of the Whole having been appointed by the House to do a certain piece of work, having objected to that, would not it feel constrained to be governed, if not by a parliamentary standard, would not they be constrained to follow the instructions of the House and pass to some other legislation?

Mr. SAUNDERS. That was not the gentleman's question.

Mr. GARNER. If the Chair should rule that it only took a majority in committee to refuse to consider the bill and it went back into the House and it took a two-thirds vote to confirm

the action of the committee, you would have the anomalous position of a two-thirds vote in the House and only a majority vote in the committee refusing to go on with the bill. It shows from a logical standpoint, in my judgment, that the Chair ought not to hold that the Committee of the Whole can refuse to consider a bill after the House has sent it there.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. FESS. On House bills you go into Committee of the Whole by motion.

Mr. SAUNDERS. Yes, by vote on a motion.

Mr. FESS. A vote to go into Committee of the Whole is a vote to consider the bill.

Mr. SAUNDERS. That point was presented by the gentleman from Georgia, and in my judgment it was well taken.

Mr. FESS. And it requires a majority vote?

Mr. SAUNDERS. Yes.

Mr. FESS. On bills on the Union Calendar you do not go into Committee of the Whole by motion?

Mr. SAUNDERS. No, automatically.

Mr. FESS. Therefore if in Committee of the Whole you can raise the question of consideration where we have gone into Committee of the Whole automatically to consider a bill, and you raise the question of consideration and refuse to consider it, do not you suspend the rules of the House?

Mr. SAUNDERS. That is the same proposition the gentleman presented before.

Mr. MURDOCK. The gentleman means to say, as I understand, that a majority of the Committee of the Whole, where a quorum is 100, suspends the rules of the House where it takes a two-thirds vote of the House and where the quorum is 217.

Mr. SAUNDERS. That is the same proposition that the gentleman presented a few moments ago.

Mr. FESS. One other question and I am done. Do not the rules of the House applicable to the Committee of the Whole specify the motions that can be made in Committee of the Whole?

Mr. SAUNDERS. I do not recall any body of motions that is provided for in terms. The rules say that the rules of the House shall be used in the Committee of the Whole so far as applicable. It is a question of interpretation whether they are applicable, or not. For instance, you can not move in the Committee of the Whole to lay an appeal from the ruling of the Chairman on the table. There is no reason for this, but it is stated as a general proposition that you can not make the motion to lay on the table, in the Committee of the Whole.

Mr. FESS. This is a conclusion to which I come, that, unless specified either expressly or inferentially, in Committee of the Whole you can not make use of any motion except those that are clearly necessary for the consideration of the bill.

Mr. SAUNDERS. That is the same thought that I endeavored to present in an earlier portion of my remarks, namely that in determining whether a thing is applicable in Committee of the Whole, you must take some rule that is applicable in the House, and then determine whether it is operative and applicable in the committee. But this rule has been held to deprive the Members of the House of the right to raise the question of consideration to this bill, while affording this right to members of the committee. This I say, is an illogical conclusion.

Mr. FESS. So do I.

Mr. ADAMSON. Suppose we follow that through. Those rules do not clothe the Committee of the Whole House on the state of the Union with power to do something which the House itself can not do under the rules.

Mr. SAUNDERS. That is the very argument I have been seeking to present, and it is the same thought presented a moment ago by the gentleman from Ohio [Mr. Fess].

Mr. HAY. What would be the result if the Chairman holds this to be in order and the question is taken on the motion to consider? What is going to prevent the gentleman from Louisiana [Mr. WATKINS] from calling up this bill and going back into the Committee of the Whole when we get back into the House?

Mr. SAUNDERS. Nothing. When we get back into the House, we will automatically, unless we get rid of this bill by a two-thirds vote, go back into the Committee of the Whole, and then when we get back into the Committee of the Whole the question of consideration will have to be raised again. Having been originally made in the Committee of the Whole, it could be renewed in the Committee of the Whole. This course will not be in contravention of any action taken by the House. The House has not acted. It has merely been notified by the committee that it will not consider the bill. Thereupon the gentleman from Louisiana can call up the same bill and



automatically we will go back into Committee of the Whole. Hence we are in a position that in order to get rid of this bill, we must make the motion to dispense with the same and sustain that motion by a two-thirds vote. Why take such a view as this, instead of the more natural view, that consideration can not be raised in the Committee of the Whole. This does not tie our hands. We can go back into the House, and make the motion to dispense.

It is suggested to me by the gentleman from Georgia [Mr. BARTLETT] that this ruling to which so much reference has been made has not been produced. I have not undertaken to consider that ruling, or to argue with respect to its propriety. While the suggestion of the gentleman from Georgia emphasizes the propriety of sustaining the point of order raised by the gentleman from Virginia [Mr. HAY] it is not necessary in this connection to address ourselves to that supposed decision. I am taking it for granted that it existed, but the limits of the same, and the extent thereof, and the circumstances under which it was made, would be very important matter, if it was necessary to determine whether or not that decision ought to stand. That inquiry, however, is not necessary in this connection.

Mr. Chairman, I would have finished my remarks long ago but for suggestions and inquiries that have been made from the floor, and which required, and properly so, some discussion and consideration. I wish to emphasize, in conclusion, the proposition that when the objection is made that we are creating distinctions—and that is the only objection that has been made with respect to the proposition that the motion to dispense could be applied to this bill—you should bear in mind that the distinction has already been created by the ruling that the question of consideration can not be raised in the House against bills from the Union Calendar. Now that this distinction has been created you should not create a new distinction by conferring upon the members of the Committee of the Whole the right to raise the question of consideration as to bills of this class. This is at variance with the established practice of the House. The committee is but an arm of the House, and when we provide material for its consideration it matters not whether this is done by virtue of an automatic operation of the rules, or by a vote of the House, it is beyond the authority of the committee to say that it will not proceed to deal with this material. Such action on its part, is a contempt of the authority of the body which creates it. The thing created, raises its puny arm against its creator. The point of order of the gentleman from Virginia should be sustained.

Mr. MANN. Mr. Chairman, just one moment. The gentleman from Virginia [Mr. SAUNDERS] raises a new question as to how far the House by a two-thirds vote can suspend with Calendar Wednesday. He says we can dispense with consideration of any bill by a two-thirds vote. If that should be the ruling, I would not say that it were an absurd ruling; but it would have an absurd effect, because under that provision, if a majority of the House did not want to consider a bill, it would still be without power to refuse to do so, and would inevitably lead to a minority of the House forcing a majority of the House to waste time on a bill that it had no intention of considering. The rule is:

On Wednesday of each week no business shall be in order, except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine.

The term "therewith" applies to something. To what does it apply? There are two things in this language, to either one of which the term "therewith" might apply. One is "business" and one is paragraph 4 of this rule. The gentleman from Virginia [Mr. SAUNDERS] contends, in effect, that the term "therewith" applies to "business," and that the rule would say:

On Wednesday of each week no business shall be in order unless the House by two-thirds vote on motion to dispense therewith shall otherwise determine.

But the ruling has always been, and everyone else has understood, that the term "therewith" applied to the language in paragraph 4 of this rule as though it read, "and unless the House by a two-thirds vote dispenses with paragraph 4 of this rule, the business shall proceed," and so forth.

Paragraph 4 is the one that provides for Calendar Wednesday. On a number of occasions the question has been raised as to whether the House on Calendar Wednesday, by motion, might proceed with the consideration of other business temporarily for an hour or until a certain bill was dispensed with; and, while I think there has been no ruling on the subject, it has been stated from the chair, both by the present Speaker and the former Speaker, that that could not be done—that the House on Wednesday had the right at any time when in the House to dispense with further proceedings under the Calendar

Wednesday rule—that is, paragraph 4 of Rule XXIV—and when dispensed with that ended Calendar Wednesday for that day.

Now, the gentleman from Virginia [Mr. SAUNDERS] contends that the House may have a roll call on each bill that is called up on Wednesday to see whether or not it would dispense with these proceedings, and that it takes a two-thirds vote to carry that. That is not raising the question of consideration, and there is nothing in the rules to warrant a ruling to the effect that by a two-thirds vote in the House you can dispense with any particular bill on Calendar Wednesday. Of course, such an arbitrary ruling might be made. If it shall be made, I am perfectly willing to bow to it. It would not, however, be following the rules, it would be an absolutely arbitrary ruling, and it would not protect the House, and what we are seeking to do is to have a ruling which gives to the House, resolved into the Committee of the Whole House, or other way, the power to say whether it will proceed with the consideration of a particular bill. There is no other proposition which can be presented to the House where it has not the power to determine whether it will proceed. The very language of the rule says that "any bill or proposition" coming before the House, and, in effect, says you can raise the question of consideration. Now it is urged that the House place itself in a position where upon a Union Calendar bill it is without power to protect itself from having its time wasted in the consideration of a bill where perhaps a majority of the House has already determined that they will vote against the bill and do not desire to take the time of weeks or months for the consideration of a bill which has no chance of being passed by a majority of the House. That is the reason we have the right to raise the question of consideration on ordinary bills. A Member has the right to call up a bill, and if the House should determine it will not pass the bill, what is the use of wasting time on it? Now, I do not make these remarks about this bill. I would be willing now to vote to pass the bill under suspension. I have no opposition to the present bill. I do not profess to know just what is in it, and I never expect to learn just what is in it. I know two things. I know that it has been considered by the committee that it will waste the time of Calendar Wednesdays from now until probably the end of the session, and whether it passes now or later, it has no more chance of becoming a law in this Congress than a snowflake has to last forever in the nether regions.

The CHAIRMAN. The Chair would like to state, in the first place, that he believes that there ought to be some opportunity at some time for either the House or the committee to determine the question of consideration of any bill, and by a majority vote. The Chair has great respect for the opinion of the gentleman from Virginia [Mr. SAUNDERS], but he can not agree with him that this rule is intended to enable the House to dispense with a part of Calendar Wednesday. As the Chair reads the rule and construes it, he is persuaded to believe that it means to dispense with the entire business of the day, or none. There are several reasons; among them there are several decisions of the Speakers of the House that there shall be no preference between House bills and Union Calendar bills upon the calendar on Wednesday. While it is admitted and has frequently been ruled that a majority vote on a House Calendar bill will prevent its consideration, and the argument is made which, if correct, would require a two-thirds vote to dispense with one that was on the Union Calendar, so there would be a distinction. Now, if this were an original proposition, the Chair is disposed to believe that he would have held that under Rule III that the consideration could have been raised before the House resolved itself into the Committee of the Whole House. The Chair knows that question may be raised where a motion is made to go into the Committee of the Whole House to consider a bill. The rule reads this way:

When any motion or proposition is made, the question, Will the House now consider it? will not be put, unless demanded by a Member.

It says "any motion or proposition." The Chair is inclined to believe that this was intended to cover cases of this sort. When a bill is called it is a proposition, it would seem to the Chair, to go into the Committee of the Whole to consider the bill, not a motion, because you automatically go into the Committee of the Whole House to consider a bill on the calendar, if on the Union Calendar, as this bill was. If it were an original proposition, he would feel disposed to hold that at that time the question of consideration might have been raised in the House. But the Chair is impressed with the belief that there ought to be some time when a majority of the House or the Committee of the Whole House can determine whether or not it will consider a bill. In view of the ruling of Speaker Cannon and Speaker pro tempore Mr. ALEXANDER, who, in this very case, decided when the motion was made raising the question of con-



sideration that it could not be raised at that time. I think the opportunity to raise the question should now be permitted. Speaker Cannon decided that after you go into the Committee of the Whole House in a matter exactly like this—

Mr. BARTLETT. May I ask the Chair a question?

The CHAIRMAN. Certainly.

Mr. BARTLETT. Suppose it was not Calendar Wednesday and a motion was made to go into the Committee of the Whole House on the state of the Union to consider an appropriation bill; could you raise the question of consideration on that sort of a proposition?

The CHAIRMAN. A vote upon the motion would then determine the question of whether you would consider that bill or not.

Mr. SAUNDERS. Mr. Chairman, I am not undertaking to argue against the ruling of the Chair, but if the Chair will permit I desire to say, as I understand the Chair, it is that the fundamental trouble here is an erroneous opinion heretofore delivered. Now the fact that that opinion was an error in respect to taking away the rights of the House with respect to raising the question of consideration can not affect a proper determination of the balance of the law as it stands. But for that ruling we would not be in this kind of difficulty of interpretation, but now an erroneous ruling ought not to affect a proper interpretation of what is left.

The CHAIRMAN. The Chair does not feel disposed to overrule the decisions of Speaker Cannon and the decision of the Acting Speaker, Mr. ALEXANDER, in this very case. Something has been said about not finding the decision rendered by Mr. Speaker Cannon, and the parliamentary clerk advises the Chair that he has not found the actual decision. But there are a number of references to it that the Chair thinks are just as forceful. Here is a brief statement made in argument by the gentleman from New York [Mr. FITZGERALD] upon that question to Speaker Cannon while he occupied the chair. Referring to that decision having been made by him—and certainly it must have been perfectly understood by the Speaker at that time that he had made that decision—he said:

Not only that, Mr. Speaker, but early in the operation of this day under the rule, when the Chair held that a bill on the Union Calendar did not require a formal motion to go into Committee of the Whole House on the state of the Union, but the House went automatically into the Committee of the Whole House, it was held that after the House had resolved itself into the Committee of the Whole House on the state of the Union the question of consideration could be raised.

Now, that was an argument made by the gentleman from New York [Mr. FITZGERALD] to Speaker Cannon, referring to a former decision that he had made. So the Chair thinks there is no question but the ruling of Mr. Speaker Cannon was that way, and certainly Speaker pro tempore ALEXANDER, temporarily presiding here in this very matter, ruled that the question could not be raised in the House. The Chair does not feel disposed, in the brief time that he occupies the chair, to overrule these precedents. Therefore, the Chair overrules the point of order.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum. The question is, Shall the bill before the House be now considered?

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Is it not a good plan to observe the form of the rule there?

The CHAIRMAN. Has the gentleman from Kansas the rule before him?

Mr. MURDOCK. I refer to clause 3 of Rule XVI.

Mr. MANN. It is, "Will the committee now consider?"

Mr. MURDOCK. I think we ought to follow the rule, which is, "Shall the House now consider it?"

The CHAIRMAN. It is simply a question of using the word "House" instead of "committee."

Mr. MURDOCK. Yes; that is my proposition.

The CHAIRMAN. The Chair understands that all the rules of the House apply to the Committee of the Whole House where they are applicable.

Mr. FESS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. Can you now apply subsidiary motions as to this motion in the Committee of the Whole, such as laying the matter on the table, and so forth?

The CHAIRMAN. The Chair decides the question of consideration can now be raised.

Mr. FESS. In other words, you are not now, in Committee of the Whole, on the same basis as you would be on if you were in the House?

The CHAIRMAN. No. You can not under the rule. As many as favor the proposition of the consideration of this bill will say "aye," and those who are of the contrary opinion will say "no."

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BARTLETT. Division, Mr. Chairman. First, however, a parliamentary inquiry.

Mr. SAUNDERS. Has not that got to be taken by tellers, under the rule?

Mr. BARTLETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. The question, as I understand it, is that those who are in favor of considering the bill will answer "aye"?

Mr. MANN. Yes.

Mr. BARTLETT. The question was not so put.

Mr. WATKINS. Mr. Chairman, I am very sure that the membership did not understand.

The CHAIRMAN. The Chair is informed it does not require a vote by tellers. Therefore the Chair will state the question again. The question is now whether this bill will be considered. Those who favor that will vote in the affirmative and those opposed will vote in the negative.

Mr. SAUNDERS. Has it not, under the rules of the House, got to be taken by tellers?

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. WATKINS. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, yeas 62.

Mr. WATKINS. I ask for tellers, Mr. Chairman.

Tellers were ordered.

Mr. WATKINS and Mr. MANN took their places as tellers.

The committee again divided; and the tellers reported—ayes 46, yeas 59.

The CHAIRMAN. The yeas have it, and the committee refuses to consider the bill.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama [Mr. WATKINS] moves that the committee do now rise.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. MURDOCK. Let us have a division on that, Mr. Chairman.

Mr. MANN. No; let us sit here. There is nothing we can do.

The CHAIRMAN. Division is called for.

Mr. MANN. Let them have the responsibility.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise.

Mr. MURDOCK. That is passed.

Mr. BARTLETT. It is not passed yet. It was voted down. The committee divided; and there were—ayes 73, yeas 3.

So the motion to rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had determined to refuse to further consider the same.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 15578, had determined to consider it no further.

Mr. BARTLETT. Mr. Speaker, I make a point of order.

Mr. WATKINS. Mr. Speaker, on the call of committees, I desire to call up the bill H. R. 15578.

Mr. BARTLETT. Mr. Speaker, I make a point of order. That the Committee of the Whole House on the state of the Union in consideration of the bill just reported had no authority to refuse to consider the bill, and that the report which they made is one that the House should not receive.

Mr. MANN. Well, Mr. Speaker, to add to the gayety of the situation, I move that the House direct the Committee of the Whole House on the state of the Union to proceed with the consideration of the bill, whatever the number of it is. Let us have it all decided at once.

Mr. BARTLETT. I raised a point of order.

Mr. MANN. I have made a motion. I hope that somebody will make a point of order on the motion, so that the Chair will have a chance to rule on it.



Mr. BARTLETT. Mr. Speaker, I made the point of order in all seriousness and good faith that the report made by the Chairman of the Committee of the Whole House on the state of the Union, to the effect that that committee had had under consideration this bill—the number I do not recollect now—and had directed him to make a report stating that the committee had decided not to consider the bill—I make a point of order that that is not a report which the House can receive, because the Committee of the Whole House on the state of the Union had no power or authority to take any such action—to refuse to consider the bill.

The SPEAKER. The Chair wishes the gentleman would state that point over again.

Mr. BARTLETT. Yes, sir. I make the point of order upon the report made by the Chairman of the Committee of the Whole House on the state of the Union, which had under consideration the bill whose number I have forgotten, but which I will supply, which the Committee of the Whole House on the state of the Union was considering, to the effect that that committee had decided not to consider the bill upon the question of consideration being raised, and that that report is not one such as the House could receive, because the Committee of the Whole House on the state of the Union, in the consideration of that bill, had no authority to consider that question, and its action in that regard was ultra vires.

Mr. SAUNDERS. Mr. Speaker, I do not propose to occupy but little of your time, because you were in the Chamber and heard the argument, when this matter was up for consideration in the Committee of the Whole. I desire, however, to call your attention to one proposition in support of the point of order made by the gentleman from Virginia [Mr. HAY].

If it is considered that the Committee of the Whole had authority to refuse to consider at its last session this particular bill, and to bring the same back into the House, then we are confronted with this situation: If you receive that report, then we are still under the call of committees, and the gentleman from Louisiana [Mr. WATKINS] can certainly call up the same bill. We are now not in Committee of the Whole, but in the House. The action of the Committee of the Whole can not limit the right of the gentleman from Louisiana, to call up this bill in the House. When he does this, as he will have the right to do, then we will automatically go back into Committee of the Whole, and should the committee again refuse to consider the bill, another motion will bring us back into the House. This shows what a vicious circle was started, when the ruling was made that the Committee of the Whole, with reference to this bill, had the authority to do, what it has undertaken to do.

The SPEAKER. The Chair would like to ask the gentleman a question. What would be the use of refusing to consider the bill any further if you immediately went back into the committee to consider it again?

Mr. SAUNDERS. There would be none. That is the very argument that I am making, Mr. Speaker. A little section of the House has undertaken to do something that the House has not done, and can not do. A section created under the rules of the House, a committee formed to deal with matters committed to its consideration, has undertaken to refuse to act upon a matter solemnly referred to its attention by the automatic operation of the rules of the House. It has made a report of its refusal to do business, to the House. We are now dealing with this matter in the House. The House is certainly not bound by the refusal of the committee to act upon material that was referred to its consideration by virtue of and pursuant to the rules of this body. The gentleman from Louisiana [Mr. WATKINS] can now call up the same bill. He has the right to do this, and the moment that he calls up this bill, just as would be the case with respect to any other bill from the Union Calendar, the rules of the House automatically operate to carry us back into Committee of the Whole.

The query propounded by the Chair to me very sufficiently shows, I think, the sufficiency of the point of order raised by the gentleman from Virginia [Mr. HAY], and that is that a committee can not exercise authority forbidden to the House of Representatives, and refuse to deal with matter referred to its disposition, to be either voted up, or down after the consideration provided for by the rules.

Mr. UNDERWOOD. Mr. Speaker—

Mr. WATKINS. Mr. Speaker, I yielded the floor only to let the gentleman from Georgia [Mr. BARTLETT] make a point of order.

Mr. MANN. The gentleman from Louisiana [Mr. WATKINS] is not entitled to the floor any more. He is out of this. [Laughter.] His committee has already had the call for two days. He can not call up a bill.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. What is the exact matter before the House?

The SPEAKER. The exact matter is the point of order made by the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. And the motion that I made.

The SPEAKER. The Chair will recognize the gentleman to make his motion.

Mr. MURDOCK. The point of order of the gentleman from Georgia is against what? That is what I would like to know.

The SPEAKER. He raised the point of order that the Committee of the Whole was acting ultra vires when it made this report.

Mr. UNDERWOOD. Mr. Speaker, I desire to address myself to the point of order.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. UNDERWOOD. Mr. Speaker, it is of the utmost importance that in every parliamentary body there should always be the opportunity for a majority of the members to determine in the beginning whether or not they desire to consider or not consider a piece of legislation. If a majority of this House has not the opportunity to determine whether that majority wishes to consider a piece of legislation, then you would be in the anomalous condition where some Member of the House could enforce the consideration of a bill or resolution against the will of the majority and make them wait impatiently until the time came around when they could vote on its final disposition.

Now, no such condition should or could properly exist in a parliamentary body. Of course, in the House there is always an opportunity for the House to raise the question of consideration. On an ordinary bill it is made by a motion; on an appropriation bill it has been held that the motion to go into Committee of the Whole House on the state of the Union raises the question of consideration, and therefore it is not necessary to make the direct motion for consideration. But we have adopted a rule in reference to Wednesday by which the House automatically takes a bill and goes into the committee without a vote. If that rule is lived up to, there is no opportunity in the House, after the chairman of a committee calls up a bill, for the House to determine whether or not it desires to consider the bill before it resolves itself into the Committee of the Whole House on the state of the Union.

Now, the Committee of the Whole House on the state of the Union is merely a fiction, adopted for convenience to limit debate in certain ways and to prevent the necessity of numerous roll calls. That is its purpose; but, as a matter of fact, the Committee of the Whole House on the state of the Union is the House of Representatives; and although you can not call the roll in the Committee of the Whole House on the state of the Union, the action of that committee voices the sentiment of the House. I think it is very clear, although there may be no direct ruling, that the House, either in the House or in the Committee of the Whole, should properly have the right to determine whether it will consider a piece of legislation—in the inception of that legislation, rather than in its final conclusion—and that it ought not to be left within the power of one man to force this House to consider a bill to its final conclusion when the sentiment of the House, expressed either in the House or in the Committee of the Whole, is against it. Therefore I think the logic of the situation and the logic of the rules must lead us to the conclusion, first, that this House shall have an opportunity to express itself; second, that if it has no opportunity in the House before going into the committee to express itself, the right to express itself must be given to it after it arrives in the Committee of the Whole House on the state of the Union.

Now, my friend from Virginia [Mr. SAUNDERS] calls the attention of the Speaker to the fact that possibly after the Committee of the Whole House on the state of the Union had refused to consider a bill, and it came back into the House, the chairman of the committee having charge of the bill might move that the House resolve itself into the Committee of the Whole on this same bill again, or ask that it automatically resolve itself into the Committee of the Whole. I say that that is no different from the conditions in the House. If a bill is on the calendar and I move that it be taken up, or if it comes before the House in its regular order, to be considered in the House, and some gentleman on the floor does not desire its consideration, he can raise the question of consideration, and if the House votes it down, it goes back to the calendar. Now, there is nothing to prevent that bill coming up again the first time



that the man in charge of it can bring it up. He may bring it up in 10 minutes if he gets the opportunity, or he can bring it up the next week, and again the question of consideration may be raised. So that there is nothing in the rules of the House that would prevent that. It might be difficult to reach it again, but there is nothing in these rules that prevents it. I think the whole thing applies itself to common sense. When the House had refused by a majority vote to consider a bill, I do not think any Member on the floor of the House would attempt again immediately to get the bill before the House, to have it voted down again, and I do not assume that any chairman of a committee would do so foolish a thing as again to ask the House to consider a bill when the House, in the only legitimate way in which it could express itself, had refused to consider the bill, unless there was a change of circumstances and conditions which might warrant him to believe that the sentiment in the House had changed. Therefore I think, for the orderly disposition of business, and in order that this House may have an opportunity at all times to express itself as to whether or not it proposes to consider a measure in its inception, the correct ruling should be to conform to the ruling that has just been made by the gentleman from Missouri [Mr. RUSSELL], who occupied the chair in the Committee of the Whole.

Mr. SAUNDERS. If the Chair will permit me a word, I wish to point out what I think is a very material flaw in the gentleman's logic. The gentleman from Alabama has undertaken to argue that the rule is one way, because in his judgment it ought to be that way. The argument that he offers in that connection is, as I have suggested, imperfect by reason of the fact that the position which he takes does not give the House any opportunity to raise the question of consideration. He argues that the House ought to have this opportunity; but according to his own contention the House is never afforded the opportunity of raising the question of consideration. It is raised in a committee, where a quorum is 100. It is never raised in the House, where the quorum is a majority of the elected members of this body.

Mr. UNDERWOOD. If the gentleman from Virginia will allow me—

Mr. SAUNDERS. Certainly.

Mr. UNDERWOOD. I stated that I regarded the Committee of the Whole House on the state of the Union as only a fiction, only a representative of the House itself.

Mr. SAUNDERS. Yes, but the gentleman can not take that view and maintain it.

Mr. UNDERWOOD. Oh, yes, I can.

Mr. SAUNDERS. He can not, for the simple reason that we have created a whole body of parliamentary law applicable in the House, that does not operate in the Committee of the Whole. Moreover we have expressly provided that a quorum of the Committee of the Whole is 100, and not a majority of the Members of this House. So you can not regard the Committee of the Whole as being in any real sense the House. It is an arm of the House. It is not the House, or the equivalent of the House.

Mr. ADAMSON. Will the gentleman yield a moment?

Mr. SAUNDERS. Yes.

Mr. ADAMSON. I suggest to the gentleman what a ridiculous fix that might get us into. There are 435 Members of the House; 100 Members make a quorum of the Committee of the Whole. One hundred Members may have voted down the consideration of a bill, but when it gets back automatically into the Committee of the Whole again that 100 Members may have gone to the baseball game, and another hundred Members may have come in, and they may reverse the action of the first 100. That may be repeated many times. There may be four full committees with entirely different personnel, and 35 to spare. That is not the action of the House at all.

Mr. SAUNDERS. That is logically true, and that punctures the suggestion of the gentleman from Alabama. The gentleman from Alabama is seeking to give the House what he says the House ought to have, namely the right at some time to raise the question of consideration. The decision that has been so often cited holds that this question of consideration can not be raised in the House. Now the gentleman from Alabama seeks to give this right to the House by giving it to the committee. The right of consideration in the committee is an entirely different proposition from the right of consideration in the House. Consideration can be refused in the Committee of the Whole by 51, a majority of a quorum, when, if the motion was made in the House, the House might overwhelmingly vote the other way.

Mr. MURDOCK and Mr. MANN rose.

Mr. SAUNDERS. I yield to the gentleman from Kansas [Mr. MURDOCK].

The SPEAKER. The Chair will recognize the gentleman from Illinois [Mr. MANN] in a moment.

Mr. MURDOCK. In addition to what the gentleman says, I wish he would point out to the Speaker that in Committee of the Whole there is no record vote, while in the House there is, which is a material fact.

Mr. SAUNDERS. Certainly. It is not material that the right of consideration be given to the Committee of the Whole, which is as I have said, merely an arm of the House. It differs from any other committee only in the fact that the quorum is larger, and the powers given broader. It merely considers and reports. The *raison d'être* of a committee is to consider what is sent to it. As has been heretofore pointed out, all the strained construction that the Chair is asked to place upon our rules, is due to the effort to maintain a decision that was not originally sound. The gentleman from Missouri [Mr. RUSSELL] frankly said if he had been in the chair at the time he would have rendered a different decision. Now because that decision is in the way of the question of consideration in the House, it does not follow that other and more violent decisions ought to be rendered. The law as it is ought to be interpreted. New law ought not to be made merely to meet a situation created by an erroneous decision that ought to be overruled.

Mr. MANN. Mr. Speaker, I do not see any difficulty about this situation at all. The rules of a parliamentary body must be founded on common sense and with a view to the carrying on of business. I always apply myself, as far as I can in the consideration of a question, to what is the common-sense proposition involved. It has already been ruled that you can not raise the question of consideration on this bill in the House. It has also been ruled in committee that you can raise it in committee. I think both of these rulings are correct and must be sustained by the Speaker. But the action of the committee is not and never is final. The action of the Committee of the Whole House is reported to the House itself, and while the form of the motion is that the House resolve itself into Committee of the Whole House, and so forth, and it is the House that is sitting as a Committee of the Whole House, still the rights in the two bodies are somewhat different, and especially in the fact that the Committee of the Whole does not entertain a roll call upon propositions while the roll call is in order in the House. The committee getting the bill reports back the bill with recommendations. It agrees to amendments in the committee and recommends those amendments to the House. It agrees to a favorable report on the passage of the bill and recommends the passage of the bill in the House; or it may agree to an adverse report in the committee and recommend that the bill be laid on the table or that the enacting clause be stricken out. The committee takes no final action as to any matter reported back to the House. I think it is perfectly clear that when the committee has reported back a bill recommending that in committee the committee has decided not to consider the bill referred to it, that that is subject to the approval or disapproval of the House, and that it is now in order for the Speaker to put to the House the question whether the House agrees to the recommendation of the committee in regard to this bill.

The committee has recommended that the bill be not considered in Committee of the Whole. That is, at the best of it, a recommendation, and that lets us out of what would be an embarrassing position. We can not well sustain ourselves and say that the House can not control the action of the committee and direct that a bill be considered in the committee. It might easily happen that some day the House might resolve itself into Committee of the Whole with only a few Members present, go into committee with only a few Members present, possibly Members who had been notified in advance to be present for the purpose of voting in the committee not to consider a bill. The bill might be reported back to the House and the House agree to the recommendation that the bill be not considered. If the House disagrees to the recommendation, I think the logic would be that you follow the same policy you follow when it reports a bill adversely and the House disagrees to the recommendation—it goes back to the committee, and the committee will resume and proceed with the consideration of the bill.

I think that now the Speaker should put to the House the question whether the House will agree to the recommendation of the committee on this bill.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. MANN. Yes.



Mr. GARRETT of Texas. I understand the position of the gentleman from Illinois to be that it is now in order for the House to take up the question as to whether or not it will concur in the report of the committee to not further consider the bill.

Mr. MANN. I think that is the proper proceeding.

Mr. GARRETT of Texas. If the House should vote in favor of the motion, would not that be equivalent to postponing the bill indefinitely?

Mr. MANN. It would be equivalent to putting the bill on the calendar, like every other bill, to be taken up when it is reached in regular order. It would not make any difference between this bill and any other bill.

Mr. BARTLETT. Mr. Speaker, there are precedents where reports of the Committee of the Whole House on the state of the Union have been resisted upon the ground that it was in excess of the authority of the committee. I refer the Speaker to the Manual, section 328:

But a committee may not report a recommendation which, if carried into effect, would change a rule of the House. When a report is ruled out as an excess of the committee's power the accompanying bill stands recommitted.

So that, Mr. Speaker, under that authority, which will be found in the fourth volume of Hinds' Precedents, section 4907, and on page 121 of the Manual, the Speaker must decide whether or not the Committee of the Whole, in directing the Chairman to make that report, will be accepted, or whether the Committee of the Whole House on the state of the Union had the power to make it. The Chair correctly stated the proposition that the question is whether or not the Committee of the Whole House on the state of the Union has acted ultra vires in reporting that the bill be not further considered, which contravenes the rules of the House. The Committee of the Whole House on the state of the Union can not authorize a Chairman to report a bill with a recommendation which is in excess of the powers of the committee to consider. If the House went into Committee of the Whole for the purpose of considering certain bills, it could not take up other bills and report them. If it went into Committee of the Whole for doing certain work and had gone beyond that and had done other work and reported it out, it is beyond the power of the committee. So the whole question comes right now for the decision of the Speaker whether or not the Committee of the Whole House on the state of the Union exceeded its authority when it entertained a motion not to consider the bill that was pending before it, which had been committed to it by direction of the House to be considered under the rules of the House. The question is whether the Committee of the Whole, a mere branch of the House, is greater in power than the House itself.

It has been said, and said correctly, that the House itself can not entertain a question of consideration when a motion is made to go into the Committee of the Whole, and it is immaterial whether that arises on Wednesday or any other day, the rule is the same. If it rises on any other day than Wednesday, you can not entertain the question of consideration, because the motion to go into Committee of the Whole House on the state of the Union is a motion to consider. I will refer the Speaker to the authorities and precedents which I called the attention of the Chair to in committee.

The uniform decision is that when a motion is made to go into Committee of the Whole House on the state of the Union to consider a bill that that is equivalent to the question of consideration. And before the establishment of Calendar Wednesday you could not raise the question of consideration. I learned that early in my congressional career, for I raised that question myself on a bill on a motion to go into Committee of the Whole House on the state of the Union, and the chairman, Mr. Dalzell, ruled that raising the question of consideration was not allowable.

Mr. MADDEN. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MADDEN. The gentleman does not contend that the Committee of the Whole House on the state of the Union would not have power to report a bill for the adoption of the House or recommend its enactment or that it would exceed its power if it reported against the adoption of a bill?

Mr. BARTLETT. I do not contend that the Committee of the Whole House on the state of the Union would not have the power to do anything in recommending the position of a bill provided it did not violate the rules of the House.

Mr. MADDEN. The gentleman admits those two propositions now whether or not it is equally within the power of the committee to report to the House that it thinks it unwise to further consider a bill.

Mr. BARTLETT. Mr. Speaker, I do not think the committee has a right to do that, because the committee can not consider the question raised, or have the question of consideration raised before it. That is the whole argument I have made here.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. FESS. The position of the Chairman in making the ruling was that the House should have a chance to consider the question.

Mr. BARTLETT. Yes.

Mr. FESS. And if not given in the House, it ought to be given in the committee. That same position was approved by the gentleman from Alabama [Mr. UNDERWOOD]. This is the question I desire to ask. The question of consideration is never raised in order to have a bill considered. It is always raised by those who do not want to consider the bill. The question used to be put in the negative form, objecting to the consideration of the bill. In every single organization the matter will be considered, unless some one raises the question of consideration. I do not understand the force of such reasoning, that it must be in the House or it must be in the Committee of the Whole, because we have the right to have it considered. It always will be considered, unless some one raises the question of consideration.

The SPEAKER. The Chair is ready to rule.

Mr. BARTLETT. Mr. Speaker, just one word. I intended to call the attention of the Chair to a ruling that when the committee had exceeded its authority—

The SPEAKER. Oh, there is no question about that. The committee can not exceed its authority. The question is whether it did or not.

Mr. SHERLEY. Mr. Speaker, I would like to be heard for a moment, if the Chair will indulge me.

The SPEAKER. The Chair will hear the gentleman.

Mr. SHERLEY. Mr. Speaker, I think the whole trouble is due to the fact that we are trying to abide by a wrong decision made in the House. I appreciate that gentlemen frequently do not have time to fully examine questions, and with a proper respect for the learning and ability of the gentleman from Missouri, Mr. ALEXANDER, I think his decision was wrong when he held that you could not in the House on Calendar Wednesday raise the question of consideration on a bill. A two-thirds vote to dispense with Calendar Wednesday was fixed in the rule for the purpose of preventing the crowding in of other business as against matters that would be reached on that calendar, but it was not for the purpose of compelling the House always to consider a particular bill on the calendar, and the common-sense thing to do would be to let the House determine on Calendar Wednesday whether it will consider a bill on that calendar by raising the question of consideration. To have a Committee of the Whole, which is created for the purpose in this instance of considering a particular bill, determine that it will not do the very thing that the House has created it to do, is to bring about a condition in parliamentary law contrary to all reasoning. The House ought to have the opportunity to arrive at its will, and that opportunity ought to be had by reversing the decision rendered by Speaker pro tempore ALEXANDER that you could not raise the question of consideration on Calendar Wednesday as to a bill on the Union Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield for an observation?

Mr. SHERLEY. Certainly.

Mr. GARRETT of Tennessee. It is in order on Calendar Wednesday to call up bills from either the House Calendar or the Union Calendar.

Mr. SHERLEY. Yes.

Mr. GARRETT of Tennessee. Would anyone say, if a bill were called up from the House Calendar, that the question of consideration could not be raised upon that bill?

Mr. SHERLEY. I do not think one could successfully say that.

Mr. GARRETT of Tennessee. That being true, the only reason the House goes into the Committee of the Whole House automatically—and I am making these observations in sustaining the idea of the gentleman from Kentucky [Mr. SHERLEY], and with his indulgence—without a motion is because the rule says that bills on the Union Calendar shall be considered in Committee of the Whole. The Speaker has held that the House resolves itself automatically into the Committee of the Whole House on the state of the Union; that it is not necessary to make a motion. If it were necessary to make a motion, of course, then the question of consideration need not be raised, because that would be determined, as it is in the case of privileged bills, by the motion to go into the committee; but inas-



much as under the rule the House resolves itself automatically into the committee, it does seem to me that there ought to be some opportunity at that time for raising the question of consideration.

Mr. UNDERWOOD. Mr. Speaker, with the indulgence of the gentleman from Kentucky [Mr. SHERLEY], I should like to ask the gentleman from Tennessee a question. Does not the gentleman from Tennessee, in making this argument, overlook the fact that the purpose of the rule in preventing a motion to go into the Committee of the Whole and requiring the House to automatically resolve itself into the Committee of the Whole House on the state of the Union was to prevent the question of consideration until we arrived in committee?

Mr. GARRETT of Tennessee. I do not think so.

Mr. UNDERWOOD. It is for no other purpose. The very purpose was to prevent a roll call at that time.

Mr. GARRETT of Tennessee. In the first place, let me say to the gentleman that the rule does not say that the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union. The rule says that on Calendar Wednesday only certain business shall be in order, and then it says that bills may be called up from either the House Calendar or the Union Calendar and that bills on the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union. The rule does not say that the House shall automatically resolve itself into the committee, but the Chair in the past has held that inasmuch as no other business is in order, except the business therein specified, and inasmuch as the rule provides that business on the Union Calendar shall be considered in the Committee of the Whole House on the state of the Union, that therefore automatically the House should resolve itself into the committee in order to save the loss of time.

Mr. SHERLEY. Mr. Speaker, it is right there that the vice of the whole thing lies, and it lies in the assumption that the only thing that is in order on Calendar Wednesday is a particular bill, whereas the purpose of Calendar Wednesday was not to compel the consideration of a particular bill, but to compel the consideration of that calendar and to prevent the disregard of that calendar except by a two-thirds vote, and the House ought to have the right, by raising the question of consideration, to determine what bill it desires to call up for consideration. And to then go to the absurdity, for that is the way it strikes me, because the ruling was that you could not have consideration in the House in the first instance, that then the committee, which is the creature of the House, created for the specific purpose of considering a bill, can deny the very purpose of its creation, is to make the creature greater than the creator.

Mr. SAUNDERS. If the gentleman will permit, in other words, it is a question of going back and overruling an improper decision rather than proceeding to strain the rules further in order to get a further confusion.

Mr. SHERLEY. In my judgment, what we ought to do is to hold that the motion raising consideration in the committee was not in order, and then the committee should rise and should report the bill, and then the question of consideration in the House on Calendar Wednesday could be raised in accordance with natural parliamentary law.

Mr. GARRETT of Tennessee. Mr. Speaker, just one further observation I desire to make in connection with the suggestion offered by the gentleman from Illinois [Mr. MANN] and that is that it would be next in order, and it would be the duty of the Speaker to put the question to the House whether it would sustain the action of the Committee of the Whole. Now, it is true that is a course to reach the end, but the gentleman from Illinois suggested, and we all agree with him, that he desired and we all desired to follow a common-sense method in reaching results through the rules of the House, but now I submit to the Speaker that that after all is not a common-sense method. What have we under that sort of practice? We have a provision in the House by a ruling of the Speaker pro tempore a few days ago to be followed that in the House the question of consideration can not be raised. Then you go into the Committee of the Whole House and raise the question. Then when you go back into the House the question indirectly is raised by the Speaker putting the proposition, Will the House sustain the action of the Committee of the Whole?—so that you go through two processes of reaching a result which by a simple application of common sense should be reached in the first instance on raising the question of consideration when the matter is originally called up?

Mr. MANN. Mr. Speaker, you can not raise the question of consideration in the House on a Union Calendar bill unless you

have a motion to go into the Committee of the Whole House. That motion was dispensed with because it was thought to be a time saver. It is not often the question of consideration is raised, and if you had to make a motion to go into the Committee of the Whole House every time it would make quite a difference. Now, you can accomplish the whole purpose just as easily by reporting what the committee has recommended and submitting it to the House.

Mr. WATKINS. Mr. Speaker, I have not changed the views which I expressed when we were in the Committee of the Whole, and I regret very much, indeed, I am not able to agree with the gentlemen who have submitted the proposition to the Speaker that the ruling of the Committee of the Whole was ultra vires. In my opinion, from a hasty and cursory examination which I could make of this question, I am not satisfied that the proceeding was wrong. I am satisfied in the first place, from the rulings in this House, that the honorable gentleman from Missouri [Mr. ALEXANDER], who was in the chair, and ruled as Acting Speaker that the bill was to be referred to the Committee of the Whole House automatically, without any motion, without any power on the part of the House, acted exactly in conformity with the rules of the House. After the bill had gone to the Committee of the Whole, and that committee being under the supervision of the House, or a creature of the House, that that committee had the right to submit the question to the House as to whether or not they should proceed with the consideration of the bill which was then on the calendar. From my understanding of the rule, all the committee did was—it simply said that it was authorized, or instructed, or empowered by the House to proceed with the consideration of this bill, and, by referring it back, declined to go any further with it, and therefore referred it back to the authority from which it received it.

I agree entirely with the gentleman from Illinois, except on one proposition. He expresses the view that the Speaker should submit the question to the House as to whether or not the bill should be proceeded with or considered in the Committee of the Whole, as indicated by the committee—whether the Speaker should or should not do that on his own part or his own motion. Under my view of the matter—and let me give that for what it is worth, not claiming to be a parliamentarian, but believing the situation is justified, and with due deference to the suggestion made by the gentleman from Alabama, in which he seemed to condemn the very course which I am about to take—it was my intention to make a motion to the effect that we now go back into the Committee of the Whole for the further consideration of this bill that is upon the calendar for the purpose of getting a vote in the House upon that proposition. It is a fact that for the present that bill is eliminated from the Committee of the Whole. The same question which would have arisen when we first began to consider the bill when it was in the Committee of the Whole does not now arise. Then the Speaker held that we would automatically go back into the Committee of the Whole for the further consideration of the bill which was being considered by the Committee of the Whole, and which bill was regularly upon the calendar. Now it is out of the Committee of the Whole, referred back to the House, and, with all due deference to the minority leader and the views expressed by others, for the purpose of having the Speaker secure a ruling I shall ask the privilege of moving to go back into the Committee of the Whole for the further consideration of the bill for the purpose of letting the House vote upon that question.

Mr. MAPES. Mr. Speaker—

The SPEAKER. The Chair is ready to rule.

Mr. MAPES. May I call the Speaker's attention to just one point which has not been brought out in the discussion thus far? The SPEAKER. Yes.

Mr. MAPES. I hesitate to break in on the discussion of this point of order, Mr. Speaker, but it seems to me that the rights of the standing committees and the integrity of Calendar Wednesday are so much involved that I wish to call the Speaker's attention to the rule applying to Calendar Wednesday, which provides that each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar. I submit the proposition to the Speaker and ask if it is not the right of the standing committee reporting this bill to have it considered under the rules of the House, and, having that right, is it not the duty of the House to vote it up or vote it down before they dispose of it? Is not the House obliged to consider it?

The SPEAKER. I think the gentleman has the ordinary call of committees and this Calendar Wednesday call mixed up.



Mr. MAPES. And in that connection, if the Speaker will bear with me further for a moment, just to make myself clear, I want to call attention to section 3142 of Hinds' Precedents, which says:

The right of a committee to report at any time carries with it the right to have the matter reported considered.

Section 3145 says:

A bill reported by a committee under its right to report at any time remains privileged for consideration until disposed of.

I am only reading the headings.

The SPEAKER. The gentleman is not talking about Calendar Wednesday, or the man who wrote that book was not.

Mr. MAPES. But if the House can prevent the consideration of any bill reported by a standing committee, does it not destroy the integrity of Calendar Wednesday, and does it not prevent the standing committees of the House from their right to have a bill considered? As said in Hinds' Precedents, "the right of a committee to report carries with it the right to have the matter reported considered." That is the point which I desired to call to the Speaker's attention, because it seemed to me it should be considered in connection with the point of order.

The SPEAKER. The Chair thinks not.

Mr. COOPER. Mr. Speaker, I have a suggestion to make on this point of order. Paragraph 4 of Rule XXIV, relating to Calendar Wednesday, says:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order and then select committees, and each committee, when named, may call up for consideration any bill reported by it on a previous day and on the House Calendar.

The SPEAKER. That does not apply to Calendar Wednesday? Mr. COOPER. I was reading paragraph 4 of Rule XXIV, and this paragraph 4 is expressly made to apply to Calendar Wednesday by paragraph 7 of the same rule, which paragraph 7 provides that—

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule.

Observe that language: "No business is in order on Wednesday except as provided by paragraph 4."

And paragraph 4, which I have read, provides that a committee, when reached on the call of committees, shall have the right to call up any bill previously reported by it and on the House Calendar. And paragraph 7 provides that no business shall be in order on Wednesday except such bills so reported by and called up by committees on that day unless the House, by a two-thirds vote, shall dispense with Calendar Wednesday itself.

Now, Mr. Speaker, if it is to be held that the House by a mere majority vote can refuse consideration when a committee calls up a bill on Calendar Wednesday, it would be in absolute violation of paragraphs 4 and 7, for those paragraphs plainly declare that nothing but bills called up by committees shall be in order on Calendar Wednesday, unless by a two-thirds vote the House shall dispense with Calendar Wednesday itself. This clearly means that every bill so called up on that day by a committee shall be considered unless Calendar Wednesday shall be set aside by a two-thirds vote of the House.

Mr. MURDOCK. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MURDOCK. But the other ruling will mean that a majority of the Committee of the Whole can nullify the rule.

Mr. COOPER. Not at all. The Committee of the Whole can not do that. Paragraph 4 provides that on Calendar Wednesday, when the Speaker calls the roll of committees, any committee when reached may call up any bill previously reported by it and on the House Calendar; and paragraph 7 provides that on that day no business shall be in order except as provided by paragraph 4—

Mr. BARTLETT. May I interrupt the gentleman?

Mr. COOPER. Certainly.

Mr. BARTLETT. I think the gentleman's position is eminently correct. Under rules adopted for the Committee of the Whole, and which we are now considering, you would not on Calendar Wednesday permit the House, by a majority vote, to dispense with the business, but you would permit the Committee of the Whole House on the state of the Union, with only a hundred Members, to dispense with all the business?

Mr. COOPER. Yes; but, in my judgment, the Committee of the Whole has no such power.

Mr. POUL. And I would like to ask if it does not give the right to one man to abrogate Calendar Wednesday?

Mr. BARTLETT. I think so.

Mr. MANN. Will the gentleman from Wisconsin [Mr. COOPER] yield?

Mr. COOPER. Yes.

Mr. MANN. The rule does not say the House shall consider the bill. The rule says the committee may call up the bill

for consideration, but the question of consideration can be raised on any particular bill, as it is sometimes raised. The House then can choose to go ahead. Of course, if the House should refuse to consider any bill on the calendar, why, Calendar Wednesday might run out; but that would be a very asinine performance.

Mr. COOPER. In reply to the gentleman from Illinois it is sufficient to say that the question of consideration can be raised in the House on any day, except on the call of committees on Calendar Wednesday. Calendar Wednesday was made expressly for the purpose of giving to any committee, when called by the Speaker, the power to call up any bill which it sees fit to call up, and paragraph 7 declares that no business shall be in order on that day except a bill so called up by a committee, unless the House not by a mere majority shall refuse consideration, but unless the House by a two-thirds vote shall dispense with Calendar Wednesday.

Mr. CARTER. Will the gentleman yield, Mr. Speaker?

Mr. GARRETT of Tennessee. Will the gentleman yield to a question?

Mr. COOPER. Yes.

Mr. GARRETT of Tennessee. Let me ask the gentleman this question: Does he think that it is sound parliamentary philosophy that the House or any other legislative body should have a rule which would so bind it as that a simple committee of that House could compel it, against the wish of a great majority, to consider a bill?

Mr. COOPER. The gentleman from Tennessee is too good a lawyer to put that question. The question is not what the rule ought to be, but what it is. It would require an amendment of paragraphs 4 and 7 of Rule XXIV to enable the House to refuse consideration on Calendar Wednesday. That is the exact point. The gentleman from Tennessee speaks of a simple committee compelling consideration of a bill. But it is not a simple committee which compels consideration of a bill on Calendar Wednesday. It is the rule which compels this, unless Calendar Wednesday itself is duly dispensed with. That is the precise reason why the rule establishing Calendar Wednesday was adopted.

Paragraph 7 provides that on Wednesday no other business shall be in order except as provided in paragraph 4; and the only business provided for in paragraph 4 is bills called up by committees on the call of committees. Under the rule, therefore, it is plain that such bills are the only business in order on Calendar Wednesday and must be considered unless Calendar Wednesday itself is, by a two-thirds vote, set aside by the House.

The SPEAKER. The Chair is ready to rule. There are several questions involved in this matter, and the Chair will try to straighten them all out.

Until the Calendar Wednesday rule was made it was the privilege of any Member of the House to raise the question of consideration on any bill, resolution, or proposition. Speaker Reed once said that the purpose of all rules was to expedite business and not retard it. That is the correct light in which to examine them all.

The House has the right to do as it pleases about any bill, and should have a chance to express its opinion. If it does not want to consider it, it has a perfect right to say that it will not consider it. That is no abridgement of anybody's privilege. It is to maintain the integrity of the House. The gentleman from Kentucky [Mr. SHERLEY] has a very terse and luminous way of stating things, and on the 14th day of December, 1910, he delivered these remarks:

Mr. Speaker, if the Chair will permit me, it seems to me that the surest way to determine every debatable proposition is by answering the question, What ruling gives the House the greatest freedom? Now, the purpose of Calendar Wednesday was not to guarantee that certain committees should have certain bills considered, but that they should have an opportunity to present bills that they had reported, and then the House should have the right to say whether it would consider them or not—

And so forth. Now, until the Calendar Wednesday rule, as I said, was adopted, you could raise the question of consideration on any legislative proposition. Most of the men who have participated in this long debate here to-day—and the Speaker remained in the Chamber and heard every word—were here when this Calendar Wednesday rule was adopted, and we know precisely why it was adopted. In those same remarks the gentleman from Kentucky [Mr. SHERLEY] stated this:

The abuse that Calendar Wednesday was meant to cure was the constant feeding into the House of matters that had privilege and prevented the calling of the calendar; but it was not meant, by making a call of the calendar peremptory on certain days, to compel the House necessarily to consider matters on the calendar, but simply to give the House opportunity to consider them.

That is the exact truth about this, and the complaints that led to the adoption of Calendar Wednesday were precisely what



the gentleman from Kentucky says they were—that committees went to work and reported bills and never got any chance to call them up. The call of the committees has been a part of the House proceedings, I suppose, from the beginning; anyhow, antedating any of us. But they fell into the habit of crowding privileged matters in here, sometimes on purpose and sometimes in the ordinary course of business, so that Members could not get their bills up at all, and therefore we established Calendar Wednesday. Nobody has any disposition to overthrow it. I know that the Chair has none.

The reading of that Calendar Wednesday rule is peculiar. It provides:

On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules.

That last clause was put in there to prevent any of the big committees having jurisdiction of appropriations, revenue bills, and so forth, from crowding in on Calendar Wednesday. They have to stand aside on Wednesday and let somebody else have the right of way. The rule provides further:

But bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

Now, I differ with these gentlemen and I agree with Speaker Cannon and the temporary Speaker, Mr. ALEXANDER. I do not believe that any other reasonable construction can be put upon that clause except that it meant an automatic going into Committee of the Whole House on the state of the Union; and the reason why that was done was to prevent filibustering on going into the Committee of the Whole House on the state of the Union. I know that that is so, because I was here, and while I was not on the Committee on Rules, I participated in the establishment of that rule.

There must be some place, somewhere—there ought to be, at least—to raise the question of consideration; and failing to be able to raise the question of consideration in the House in the first instance on bills on the Union Calendar on Wednesday, it ought to be permitted to be raised in committee. As to the suggestion that somebody made—that 51 members in Committee of the Whole could upset the proceedings—the Chair is inclined to believe with the gentleman from Illinois [Mr. MANN] that when a report like this is brought in it ought to be ratified by the House.

The Chair does not believe that the committee is acting ultra vires when it reports to the House that it will not consider this bill any more on this occasion. The Committee of the Whole House on the state of the Union had its origin in England, and its history, which need not be stated here, is a very interesting one. It is simply a committee of the House, that is all it is; just like the Committee on Ways and Means, the Committee on Appropriations, and so forth, except that 100 Members make a quorum, and 51 are a majority of a quorum. The Committee of the Whole House on the state of the Union has the right to make its recommendations to the House. Of course, as the gentleman from Georgia [Mr. BARTLETT] suggested, it might make some recommendation which was beyond its power. Now, if anyone does not like this Calendar Wednesday rule, the right thing to do is to offer an amendment to it. That is easy enough to do.

In the first place, the Chair sustains the ruling of Speaker Cannon and of temporary Speaker ALEXANDER, and he sustains the contention that you may raise the question of consideration on Calendar Wednesday—on no other day—in the Committee of the Whole House on the state of the Union. On every other day you have the opportunity to raise it in the first instance in the House. The motion to go into the committee raises the question on every other day.

Secondly, the Chair thinks that in this case the motion ought to be put to the House, which is the greater body and the controlling body, as it takes 217 to make a quorum in the House, just as the House votes on the recommendation of the Committee of the Whole House on the state of the Union when the committee reports back a bill with the recommendation that it lie on the table, or with the recommendation that the bill do not pass, or with the recommendation that the enacting clause be stricken out, or that everything after the enacting clause be stricken out. The committee has the right to report any one of those recommendations.

Therefore the question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union—

Mr. WATKINS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WATKINS. Before that question is put, I would like to have a quorum here to vote on it.

The SPEAKER. The gentleman will have the opportunity to raise that question in a moment.

Mr. FITZGERALD. Mr. Speaker, I move to dispense—

Mr. MANN. Oh, let us vote on this. We can go into the gentleman's matter afterwards.

Mr. FITZGERALD. Well, I will wait.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. GARRETT of Tennessee. I ask that the question be stated again.

The SPEAKER. The question is whether the House will agree to the recommendation of the Committee of the Whole House on the state of the Union not to consider the bill any further at this time.

Mr. WATKINS. What does a vote "aye" mean?

The SPEAKER. A vote "aye" means that the House will not consider it any more on this particular Calendar Wednesday, and if that motion prevails, the bill goes back to its place on the calendar. The Clerk will call the roll.

The question was taken; and there were—yeas 115, nays 167, answered "present" 2, not voting 149, as follows:

#### YEAS—115.

Anderson	Fordney	Kettner	Scott
Austin	Foster	Kinkaid, Nebr.	Seldomridge
Avis	Fowler	Konop	Shreve
Barton	Frear	Kreider	Sinnott
Beakes	French	Lafferty	Sloan
Bell, Cal.	Gardner	La Follette	Smith, Idaho
Borchers	Good	Lenroot	Smith, J. M. C.
Britten	Graham, Pa.	Lewis, Pa.	Smith, Minn.
Browne, Wis.	Greene, Mass.	Lindbergh	Smith, Saml. W.
Browning	Greene, Vt.	McKenzie	Smith, Tex.
Bryan	Hamilton, Mich.	McLaughlin	Stafford
Burke, S. Dak.	Hamilton, N. Y.	MacDonald	Steenerson
Butler	Hayden	Madden	Stevens, Minn.
Campbell	Hayes	Mapes	Sutherland
Cary	Hevering	Morgan, Okla.	Taiter
Chandler, N. Y.	Hinebaugh	Morin	Talcott, N. Y.
Connelly, Kans.	Howell	Moss, Ind.	Tayner
Cox	Hulings	Mott	Temple
Cramton	Humphrey, Wash.	Murdock	Thomson, Ill.
Curry	Igoe	Murray, Okla.	Towner
Danforth	Jacoway	Nolan, J. I.	Volstead
Davis	Johnson, Utah.	O'Leary	Walters
Dershem	Kahn	O'Shaunessy	Weaver
Dooling	Keating	Palge, Mass.	Willis
Doolittle	Kelster	Parker	Winslow
Esch	Kelley, Mich.	Peters, Me.	Woodruff
Falconer	Kelly, Pa.	Roberts, Nev.	Woods
Farr	Kennedy, Iowa	Rogers	Young, N. Dak.
Fitzgerald	Kennedy, R. I.	Rupley	

#### NAYS—167.

Abercrombie	Deitrick	Harrison	Rauch
Adamson	Dent	Hay	Rayburn
Allen	Dickinson	Helm	Reed
Ansberry	Dies	Henry	Reilly, Conn.
Ashbrook	Dillon	Hensley	Rothermel
Aswell	Donohoe	Hill	Rouse
Bailey	Donovan	Holland	Rubey
Baker	Doughton	Hughes, Ga.	Russell
Baltz	Dupré	Hull	Sabath
Barkley	Dyer	Johnson, S. C.	Seully
Bartlett	Eagan	Kennedy, Conn.	Shackleford
Beall, Tex.	Eagle	Key, Ohio	Sharp
Bell, Ga.	Edwards	Kindel	Sherley
Blackmon	Estopinal	Kincaid, N. J.	Sherwood
Booher	Evans	Kirkpatrick	Sims
Bowdle	Falson	Lazaro	Slayden
Brockson	Fergusson	Lee, Pa.	Smith, N. Y.
Brown, N. Y.	Ferris	Lieb	Stedman
Brown, W. Va.	Fess	Lloyd	Stephens, Miss.
Bruckner	Fields	Logue	Stevens, N. H.
Brumbaugh	FitzHenry	Loneragan	Stone
Buchanan, Ill.	Flood, Va.	McAndrews	Stringer
Buchanan, Tex.	Francis	McClellan	Summers
Bulkley	Gallagher	McDermott	Talbot, Md.
Byrnes, S. C.	Gallivan	McKellar	Taylor, Ark.
Byrns, Tenn.	Garner	Maguire, Nebr.	Taylor, Colo.
Callaway	Garrett, Tenn.	Mitchell	Taylor, N. Y.
Cantrill	Garrett, Tex.	Montague	Ten Eyck
Caraway	George	Moon	Thacher
Carr	Gillett	Moore	Thomas
Carter	Gittins	Murray, Mass.	Thompson, Okla.
Casey	Glass	Neely, W. Va.	Townsend
Church	Goeke	O'Brien	Tribble
Clancy	Goldfogle	Oldfield	Vaughan
Clark, Fla.	Gordon	Padgett	Vollmer
Claypool	Gorman	Page, N. C.	Walker
Cline	Goulden	Park	Watkins
Collier	Graham, Ill.	Peters, Mass.	Williams
Conry	Gregg	Phelan	Wingo
Cooper	Griffin	Pou	Witherspoon
Cullop	Hammond	Quin	Young, Tex.
Decker	Hardy	Raker	



## ANSWERED "PRESENT"—2.

Gray Mann

## NOT VOTING—149.

Adair	Fairchild	L'Engle	Prouty
Aiken	Finley	Leshner	Ragsdale
Ainey	Floyd, Ark.	Lever	Rainey
Alexander	Gard	Levy	Reilly, Wis.
Anthony	Gerry	Lewis, Md.	Riordan
Barchfeld	Gillmore	Lindquist	Roberts, Mass.
Barnhart	Godwin, N. C.	Linthicum	Rucker
Bartholdt	Goodwin, Ark.	Lobeck	Saunders
Bathrick	Green, Iowa	Loft	Sells
Borland	Griest	McCoy	Sisson
Brodbeck	Guernsey	McGuire, Okla.	Slomp
Broussard	Hamill	Mahan	Small
Burgess	Hamlin	Maher	Smith, Md.
Burke, Pa.	Hardwick	Manahan	Sparkman
Burke, Wis.	Hart	Martin	Stanley
Burnett	Haugen	Merritt	Stephens, Cal.
Calder	Hawley	Metz	Stephens, Nebr.
Candler, Miss.	Hefflin	Miller	Stephens, Tex.
Cantor	Helgesen	Mondell	Stout
Carew	Hinds	Morgan, La.	Taggart
Carlin	Hobson	Morrison	Taylor, Ala.
Clayton	Houston	Moss, W. Va.	Treadway
Coady	Howard	Neeley, Kans.	Tuttle
Connolly, Iowa	Hoxworth	Nelson	Underhill
Copley	Hughes, W. Va.	Norton	Underwood
Covington	Humphreys, Miss.	Oglesby	Vare
Crisp	Johnson, Ky.	O'Hair	Wallin
Crosser	Johnson, Wash.	Palmer	Walsh
Dale	Jones	Patten, N. Y.	Watson
Davenport	Kent	Patton, Pa.	Webb
Difenderfer	Kiess, Pa.	Payne	Whaley
Dixon	Kitchin	Peterson	Whitacre
Doremus	Knowland, J. R.	Platt	White
Driscoll	Korbly	Plumley	Wilson, Fla.
Drukker	Langham	Porter	Wilson, N. Y.
Dunn	Langley	Post	
Edmonds	Lee, Ga.	Powers	
Elder			

So the recommendation of the committee was rejected.

The following pairs were announced:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. ADAIR with Mr. AINEY.

Mr. AIKEN with Mr. BARCHFELD.

Mr. ALEXANDER with Mr. BARTHOLDT.

Mr. BARNHART with Mr. ANTHONY.

Mr. BATHRICK with Mr. BURKE of Pennsylvania.

Mr. BURGESS with Mr. CALDER.

Mr. BURNETT with Mr. COPLEY.

Mr. CANDLER of Mississippi with Mr. DRUKKER.

Mr. CARLIN with Mr. GREEN of Iowa.

Mr. CLAYTON with Mr. DUNN.

Mr. CONNOLLY of Iowa with Mr. GRIEST.

Mr. COVINGTON with Mr. HINDS.

Mr. DAVENPORT with Mr. JOHNSON of Washington.

Mr. DIFENDERFER with Mr. KIESS of Pennsylvania.

Mr. DIXON with Mr. LANGHAM.

Mr. DRISCOLL with Mr. LANGLEY.

Mr. FINLEY with Mr. LINQUIST.

Mr. GODWIN of North Carolina with Mr. MANAHAN.

Mr. HEFLIN with Mr. MCGUIRE of Oklahoma.

Mr. HOWARD with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. MERRITT.

Mr. KITCHIN with Mr. MILLER.

Mr. LEE of Georgia with Mr. HAWLEY.

Mr. LEVER with Mr. HAUGEN.

Mr. LINTHICUM with Mr. MOSS of West Virginia.

Mr. MCCOY with Mr. MONDELL.

Mr. MORRISON with Mr. NELSON.

Mr. NEELEY of Kansas with Mr. PATTON of Pennsylvania.

Mr. PALMER with Mr. PAYNE.

Mr. PATTEN of New York with Mr. PLATT.

Mr. SISSON with Mr. ROBERTS of Massachusetts.

Mr. SMALL with Mr. STEPHENS of California.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. TUTTLE with Mr. PLUMLEY.

Mr. WATSON with Mr. TREADWAY.

Mr. WEBB with Mr. PROUTY.

Mr. WILSON of Florida with Mr. POWERS.

Mr. GLASS with Mr. SLEMP.

Mr. HOUSTON with Mr. J. R. KNOWLAND.

Mr. RAINEY with Mr. PORTER.

Mr. GUDGER with Mr. GUERNSEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. HARDWICK with Mr. EDWARDS.

Mr. MCKELLAR with Mr. NORTON, commencing April 8, ending April 25.

Mr. MANN. Mr. Speaker, I voted "aye." I have a pair with the gentleman from Alabama, Mr. UNDERWOOD, and I withdraw my vote and answer "present."

The result of the vote was then announced as above recorded. Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings in order under the rule to-day.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the rule of Calendar Wednesday.

Mr. WATKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WATKINS. The House has agreed to proceed with the consideration of the bill on the calendar, and if the business to-day is further dispensed with, will that bill be called up next Wednesday? I do not want to lose my place on the calendar. I want the House to have an opportunity to so further consider the bill as to retain its place.

Mr. MANN. Mr. Speaker, it seems to me that under the circumstances, as a matter of precedent, we ought to go back into Committee of the Whole on the bill.

Mr. WATKINS. I think it is safer to go back automatically.

The SPEAKER. The Chair is inclined to that view of the matter.

Mr. FITZGERALD. Mr. Speaker, if I may make a statement, the purpose of my making the motion was that there is a message on the Speaker's table from the President of the United States, asking an immediate appropriation of \$500,000 for the purpose of transporting American citizens in Mexico to their homes.

Mr. WATKINS. My purpose is to have the committee rise in a few moments.

Mr. FITZGERALD. I will withdraw my motion to dispense with further proceedings.

The SPEAKER. The House will resolve itself into Committee of the Whole House for the further consideration of the bill H. R. 15578.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

Mr. WATKINS. Mr. Chairman, I would like to make an inquiry. I would like to know if we can arrange about the distribution of time for general debate.

Mr. MANN. We can not arrange for that now.

Mr. MURDOCK. The bill has had its first reading?

Mr. WATKINS. Yes. Mr. Chairman, I have an hour, and without consuming any time just now I will reserve what time I am entitled to, and move that the committee do now rise for the purpose of considering other important legislation.

Mr. MANN. The gentleman can not make that motion.

The CHAIRMAN. What is the gentleman's point?

Mr. MANN. The gentleman from Louisiana moved that the committee rise for the purpose of considering "other important legislation."

Mr. WATKINS. I simply made that as a statement and not as a part of my motion. I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further business under the Calendar Wednesday rule for to-day.

The question was taken, and two-thirds having voted in favor thereof, the motion was agreed to.

## RELIEF OF AMERICANS IN MEXICO (H. DOC. NO. 916).

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on Appropriations.

## To the Senate and House of Representatives:

In view of the exigency created by the existing situation in the Republic of Mexico, I recommend the immediate passage by the Congress of an act appropriating \$500,000, or so much thereof as may be necessary, to be placed at the disposal of the President for the purpose of providing means to bring to their homes in the United States American citizens now in Mexico.

WOODROW WILSON.

THE WHITE HOUSE, April 22, 1914.

DANIEL ALOYSIUS HAGGERTY.

Mr. DEITRICK. Mr. Speaker, it is perhaps known to all the Members of Congress that in the fighting at Vera Cruz, Mexico,



yesterday 4 United States marines were killed and about 20 wounded.

I am deeply grieved to announce that a young man, Daniel Aloysius Haggerty, of Cambridge, Mass., my home city, was the first to give his life in our attempt to compel due and proper respect for our country's flag on the part of the Provisional President of Mexico and his subordinates.

Mr. Haggerty was a well-trained marine with a splendid record in the service, which he entered in 1906. He had a high sense of personal honor and he fully realized the seriousness of the duties devolving upon a soldier in the defense of his country's honor. He was selected as one specially fitted for signal duty and met his death while performing this duty in an extremely dangerous and exposed position. He had just stepped out upon the roof of the Terminal Hotel, in Vera Cruz, when a bullet fired from a machine gun in the hands of the Mexicans, who were posted on the top of an old lighthouse tower, pierced his brain.

We might pause and contemplate that his death is another striking example of the patriotism of the citizens of Massachusetts, who are ever willing to make every sacrifice, even to the giving of their lives, when their country's honor is at stake. It was in Massachusetts, at Lexington, only a few miles from Cambridge, where the first American blood was shed in the War of the Revolution. On their way there the British troops marched through Cambridge. Many of them and some Americans lost their lives there. It was in Cambridge that Washington took command of the American Army. From Cambridge came the first company of volunteers, newly organized, for the Civil War.

Mr. LEE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. DEITRICK. Certainly.

Mr. LEE of Pennsylvania. Mr. Speaker, I wish to state to the gentleman that the first defenders came from Pennsylvania.

Mr. DEITRICK. That may be true; but the first volunteer company came from Cambridge, Mass. The Sixth Massachusetts Infantry was unquestionably the first Union volunteer regiment to reach Washington fully armed and equipped. Cambridge contributed her full quota of men in the Spanish War and in the Philippine insurrection, and now it is Cambridge that gives the first life required in the defense of the American flag in the present difficulty in Mexico.

I hold in my hand a telegram from Mr. Michael Haggerty, the young man's father, and it brings home to me, knowing how this loss must be felt, as I do, the grim realities of what this matter means. [Applause.]

#### RELIEF OF AMERICAN CITIZENS IN MEXICO.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 15906) providing an appropriation for the relief and transportation of American citizens in Mexico.

*Be it enacted, etc.,* That for the relief of American citizens in Mexico, including transportation to their homes in the United States, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be expended at the discretion of the President.

The SPEAKER. I there objection to the present consideration of the bill?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, this bill conforms to the request of the President. I do not know that there is anything further to be said. Everybody understands the situation in Mexico and the necessity for providing the necessary funds for the transportation of American citizens.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### SEAMEN'S BILL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on the seamen's bill now pending before the House.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the seamen's bill. Is there objection?

There was no objection.

#### MINE STRIKE IN COLORADO.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by quoting a telegram I have just received in respect to the mining trouble in Colorado.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a telegram he has just received in respect to the mining trouble in Colorado. Is there objection?

There was no objection.

The telegram referred to is as follows:

COLUMBUS, OHIO, April 22, 1914.

FRANK B. WILLIS,  
House of Representatives, Washington, D. C.:

We petition you to use your influence in Congress to protect the miners and their wives and children from the onslaught of paid hirelings in Colorado. We believe that the Huertas should be driven out of America as well as Mexico.

Respectfully,

JOHN MOORE,  
President Ohio Miners.  
G. W. SAVAGE,  
Secretary-Treasurer Ohio Miners.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to place in the RECORD, in connection with the discussion had this morning on the very lamentable occurrences at Ludlow, Colo., some telegrams which I have received and some remarks relative to the matter.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by printing some telegrams on the Ludlow occurrences and some remarks in respect thereto. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, are the telegrams very numerous?

Mr. MONDELL. There are three short telegrams.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram sent to the congressional delegation from the State of Washington with reference to the Colorado matter and the loss of lives there.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing a telegram about the Colorado mining trouble. Is there objection?

There was no objection.

The telegram referred to is as follows:

SEATTLE, WASH., April 21, 1914.

Congressman J. W. BRYAN, or J. A. FALCONER, or W. L. LA FOLLETTE, or W. E. HUMPHREY, or ALBERT JOHNSON, Washington, D. C.:

We have received information from Colorado that the miners' tent colony at Ludlow has been burned to the ground and five striking miners, four women, and at least five children have been brutally killed. We, the executive board of District No. 10, United Mine Workers, representing the 6,000 mine workers of the State of Washington, register our indignant protest that a condition can be tolerated in this country which menaces not only our liberty but our homes and our very lives to an infinitely greater degree than has been occasioned by the overt action on the part of the authorities in Mexico; and we demand for our people in Colorado at least the same measure of protection that is being so vigorously demanded in Mexico, believing, as we do, that the Government should give its first consideration to that protection of the lives and liberty of our people that is guaranteed them in such unmistakable terms in the Constitution of these United States.

MARTIN J. FLYZIK, President.  
WM. SHORT, Secretary.  
E. NEWSHAM, Vice President.  
ROBERT H. HARLIN,  
International Board Member.

#### GEORGE POINSETT.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in reference to George Poinsett, of Philadelphia, who was killed at Vera Cruz, Mexico, and in respect to similar occurrences in other wars where citizens of the State of Pennsylvania lost their lives.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Speaker, in the list of the American dead, as the toll of the first battle against Huerta's régime in Mexico yesterday, the name of a Pennsylvania boy stands at the head. George Poinsett, seaman, who was 20 years of age only a few days ago, was among the first Americans to give up their lives in the Battle of Vera Cruz. He was a Philadelphia boy and had enlisted in 1911, and had been assigned to the Florida.

The news of this morning's papers is not surprising to those who know the annals of Pennsylvania and the patriotic devotion of her citizens in every crisis of American history. Pennsylvania blood was the first shed in the strife of the sixties. When Lincoln had issued his first call for troops, Gov. Curtin telegraphed the call over the State, and so prompt was the response that five Pennsylvania companies claimed the proud badge of "First Defenders." When these troops passed through Baltimore they were mobbed and the first bloodshed of the war occurred in the injury of Nick Biddle, a Pennsylvanian, with those volunteers. It was the day following that a Massachusetts regiment was attacked in the streets of Baltimore.



Gov. Curtin said in a special message at the close of the war that "the resources of Pennsylvania, whether men or money, have neither been withheld nor squandered." The State furnished 270 regiments and several unattached companies, in all 387,284 men. Every regiment had its battle flag, with its name and the coat of arms of Pennsylvania. Most of these have been returned, tattered and torn, and the citizen who wishes to know something of the spirit of the State in days of storm and stress need only pay a visit to the State library at Harrisburg, where the emblems of a State's patriotism may be seen by all.

The history of Pennsylvania is the history of American patriotism. There has been a ready response from the Keystone State to every call of the country in time of need. In the War of the Revolution its soldiers were in the forefront of every battle of the eight years' struggle for freedom.

When the War of 1812 broke out Pennsylvania responded with three times as many troops as were required. It was the spirit of seventy-six again, and Gov. Snyder in his message to the general assembly expressed it as follows:

The sword of the Nation, which for 30 years has rusted in its scabbard, has been drawn to maintain the independence which it so gloriously achieved. In the war of the Republic our fathers went forth, as it were, with a sling and a stone and smote the enemy. Since that period our country has been abundantly blessed and her resources greatly multiplied. Millions of her sons have grown to manhood and, inheriting the principles of their fathers, are determined to preserve the precious heritage which was purchased by their blood and won by their valor.

The same spirit was shown by Pennsylvania during the Mexican War of 1848. The State was asked for six regiments. It furnished nine, but they could not all be mustered into service. Pennsylvanians distinguished themselves for bravery in every battle, leading the van at Vera Cruz, Cerra Gordo, and Mexico City. In the Capitol Park at Harrisburg is a marble shaft erected by the State in honor of the valor of these Pennsylvania soldiers.

When the War with Spain became a fact, Pennsylvania well lived up to the patriotic record of the past, and more men volunteered in answer to the call of McKinley than were required.

It was a Pennsylvanian, John Peter Muhlenberg, who, when preaching in Woodstock, Va., one Sunday morning at the outbreak of the Revolutionary War, tore off his ministerial gown and displayed the full uniform of an American colonel. He read his commission in the Army, and almost every man in his congregation enlisted under him. A statue in his honor occupies one of the places allotted to Pennsylvania in Statuary Hall of this Capitol.

It was a Pennsylvanian, John Hazelwood, who commanded the American fleet in the Delaware River and threatened the defeat of the British early in the Revolutionary War. Lord Howe promised him a rich reward if he would withdraw his ships, but his answer was: "I will defend the fleet until the last man is killed."

It was a Pennsylvanian, Maj. Miller, who captured a battery which made the victory of Lundys Lane in the War of 1812 an accomplished fact. It was a Pennsylvanian, Capt. Dobbins, who made possible the victory of Lake Erie in that war and the sending of Commodore Perry's famous message, "We have met the enemy and they are ours."

It was a Pennsylvanian, George Meade, who commanded the Union forces at Gettysburg and won the battle which marked the turning point in that great conflict.

Volumes would not contain the names of the Pennsylvanians who have lead the way in every crisis time in American history, offering up their lives and all that life held dear for their country in its time of peril. Impossible to tell of Molly Pitcher, of Cumberland County, who took her wounded husband's place at the cannon in the Battle of Monmouth, or Betsy Ross, of Philadelphia, who made the first starry banner, or Stephen Decatur, greatest of naval commanders, or Mad Anthony Wayne, hero of scores of battles. Their places and that of all the others are secure in American history and their deeds are imperishable.

Now, in this new crisis, when Americans are facing death in a conflict which may mean a long and bloody war, it is not surprising that a Pennsylvania boy was in the forefront of the first struggle, and his name heads the list of the first sacrifices. Pennsylvania has the same devotion to the flag as of old, and no partisan feeling or difference of opinion as to policy will weigh for a moment when the honor of the Nation and the safety of American citizens are at stake. President Wilson need but indicate his desire for the help of Pennsylvanians and the response will be as prompt and ready as in other days. There is but one feeling and that a desire to stand behind him, as he represents the Nation and the flag. Now that the die is cast, Pennsylvania stands at attention and asks the desire of the Commander in Chief of the Army and Navy of the United States.

#### CONFERENCE REPORT—ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill H. R. 13453, the Army appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

#### CONFERENCE REPORT (NO. 556).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 13, 14, 20, 28, 29, 30, 31, 64, 65, 66, 90, 103, 105, 107, 108, 143, 144, 145, 153, 154, 155, 157, 158, 162, 163, and 165.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 21, 22, 23, 25, 26, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 104, 106, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 122, 125, 126, 128, 129, 130, 132, 133, 135, 136, 138, 139, 140, 141, 142, 146, 147, 148, 150, 151, 152, 156, and 160, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$11,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1915, from the receipts of the Washington-Alaska military cable and telegraph system which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, \$50,000."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Omit the language stricken out by said amendment; in line 9 of said amendment omit the word "hereafter," and on page 6, line 24 of the bill, strike out the word "hereafter"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$950,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Additional pay while on foreign service, \$9,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "twenty per cent" and insert in lieu thereof "\$200 each per annum"; and in line 13 of the same amendment, after the word "may" and the comma, insert the words "in case of vacancy and"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "Provided, That hereafter whenever the number of officers holding permanent appointments in any staff corps or staff department of the Army, except the Quartermaster Corps, shall have been reduced below four and a vacancy shall occur in an office above the grade of colonel in said corps or department, any



officer of the Army with rank above that of major who shall have served creditably for not less than four years by detail in said corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, shall, in addition to officers otherwise eligible, be eligible for appointment to fill said vacancy: *Provided further*, That hereafter whenever the President shall deem it inadvisable to reappoint, at the end of a four-year term, any officer who, under the provisions of section 26 of the act approved February 2, 1901, or acts amendatory thereof, has been appointed for such a term, in any staff corps or staff department, to an office with rank above that of colonel, but whose commission in the lower grade held by him in said staff corps or staff department at the time of his appointment under said act to an office of higher grade has been vacated, the President may, by and with the advice and consent of the Senate, appoint said officer to be an officer of the grade that he would have held, and to occupy the relative position that he would have occupied, in said staff corps or staff department if he had not been appointed to said office with rank above that of colonel; and if under the operation of this proviso the number of officers of any particular grade in any staff corps or staff department shall at any time exceed the number authorized by law other than this act, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced below the number so authorized: *And provided further*, That after September 1, 1914, in time of peace, whenever any officer holding a permanent commission in the line of the Army, with rank of colonel, lieutenant colonel, or major, shall not have been actually present for duty for at least two years of the last preceding six years with a command composed of not less than two troops, batteries, or companies of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such command for duty of any kind except as hereinafter specifically provided; and all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this act; but nothing in this act shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the organization or command to which he shall belong in that branch in which he shall hold a permanent commission; nor shall anything in this act be held to apply to the detachment or detail of officers for duty in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in connection with the Alaska Road Commission or the Alaska Railroad or the Bureau of Insular Affairs; and nothing in this act shall prevent the redetail of officers above the grade of major to fill vacancies in the various staff corps and departments as provided for by section 26 of the act of Congress approved February 2, 1901: *Provided further*, That whenever the service record of any field officer is to be ascertained for the purposes of this act, all duty actually performed by him during the last preceding six years, in a grade below that of major, in connection with any statutory organization of that branch of the Army in which he shall hold a permanent commission, or as a staff officer of any coast-defense or coast-artillery district, shall be credited to him as actual presence for duty with a command composed as hereinbefore prescribed: *And provided further*, That temporary duty of any kind hereafter performed with United States troops in the field for a period or periods the aggregate of which shall not exceed 60 days in any one calendar year, and duty hereafter performed in command of United States Army mine planter by an officer assigned to a company from which this detachment is drawn, and duty hereafter performed in command of a machine-gun platoon or a machine-gun unit, by any officer who, before assignment to such duty, shall have been regularly assigned to, and shall have entered upon duty with, an organization or a command the detachment of certain officers from which is prohibited by the act of Congress approved August 24, 1912, or by this act, shall, for the purposes of said acts, hereafter be counted as actual presence for duty with such organization or command."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For expenses of courts-martial, courts of inquiry, military commissions, and compensation of reporters and witnesses attending the same, and expenses of taking depositions and securing other evidence for use before the same, \$40,000."

And the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$175,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Strike out the amended paragraphs; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add the following: "or horse races; but nothing in this proviso shall be held to apply to the officers, enlisted men, and horses of any troop, battery, or company which shall, by order or permission of the Secretary of War, and within the limits of the United States, attend any horse show or any State, county, or municipal fair, celebration, or exhibition"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: "That not exceeding the sum of \$6,000 of this appropriation may be expended, in the discretion of the Secretary of War, for the construction of a rostrum in the national cemetery in the Presidio of San Francisco, Cal.: *Provided further*, That not exceeding the sum of \$60,000 of this appropriation may be expended, in the discretion of the Secretary of War, for the construction of a library building for the Army Service Schools at Fort Leavenworth: *And provided further*"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$485,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "*Provided*, That the accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of First Lieut. Robert L. Weeks, United States Army, the sum of \$1,340, disallowed against him on the books of the Treasury in accordance with a ruling of the Comptroller of the Treasury dated March 14, 1913; and that hereafter any officer of the Army and member of said Board of Road Commissioners who is living with his family while serving as a member of said board within the limits of the Territory of Alaska, and not stationed at a military post, shall be entitled to receive a per diem commutation fixed by the board in lieu of 'actual living expenses,' as now provided by law; and this provision shall embrace the time during which any member of said board shall have failed in the past to receive any allowance for expense of living by reason of the decision of the Comptroller of the Treasury above referred to, to the effect that said allowance could not be made to an officer living with his family"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: Omit the words inserted by said amendment, and on page 43, line 4, of the bill strike out the words "and materials therefor"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "\$450,000: *Provided*, That existing written agreements involving the purchase of patented articles, patents for which have not expired, may be carried out"; and the Senate agree to the same.

On the amendments of the Senate numbered 24, 113, 121, 123, 137, 161, and 164 the committee of conference have been unable to agree.

JAMES HAY,  
S. H. DENT, Jr.,  
JULIUS KAHN,

*Managers on the part of the House.*

GEO. E. CHAMBERLAIN,  
LUKE LEA,  
H. A. DU PONT,

*Managers on the part of the Senate.*



The Clerk read the statement, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

A statement on the part of the managers of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915:

Senate amendments 6, 7, 8, 11, 12, 21, 22, 23, 25, 26, 32, 33, 34, 35, 36, 37, 39, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89, 91, 92, 94, 95, 96, 97, 99, 100, 101, 102, 104, 106, 112, 114, 116, 117, 118, 119, 122, 125, 126, 128, 132, 135, 136, 138, 142, 146, 150, 151, 152, 153, 160 are amendments changing language and punctuation which do not involve increases in appropriations, and the House recedes.

Senate amendment 1 restores to the bill the \$25 per month compensation to chief clerk of War College, which went out on a point of order, and the House recedes.

Senate amendments 2, 3, 4, and 5 changed the language of the item for contingencies, military information section, General Staff Corps, and increased the appropriation by \$2,500; the Senate receded from 2, 3, and 5 and the House receded with an amendment on 4 making the amount \$11,000 instead of \$12,500.

Senate amendment 9 inserted the words "stationery, ice, and potable water for office use when necessary," and the House recedes.

Senate amendment 10 inserted the words "payment for which may be made in advance," referring to professional and technical newspapers and periodicals, and the House recedes.

Senate amendment 13 increased the item for the Signal Service of the Army \$50,000, and the Senate recedes.

Senate amendment 14 provided that \$300,000 instead of \$250,000 be used for purchase of aeroplanes, etc., and the Senate recedes.

Senate amendment 15 makes immediately available \$50,000 for purchase of aeroplanes, etc., and the House recedes.

Senate amendment 16 provides that property returns of the Signal Corps shall be rendered semiannually or more often, and the House recedes.

Senate amendment 17 provides that all moneys arising from the disposition of Signal Corps supplies and equipment shall constitute one fund and be available during the fiscal year following for the replacement of supplies and equipment, and the House recedes.

Senate amendment 18 provides for defraying the cost of the Washington-Alaska military cable and telegraph system and appropriates \$135,000 therefor, and the House recedes with an amendment providing for \$50,000, the same amount which was appropriated for this purpose last year.

Senate amendment 19 provides for signaling equipment for coast-defense posts and appropriates \$12,000 therefor, and the House recedes.

Senate amendment 20 raises the appropriation for pay of officers of the line \$80,100, and the Senate recedes.

Senate amendment 27 provides for the suspension of a sentence of dishonorable discharge, and that the authorized strength of the Army shall be exclusive of soldiers under sentence of confinement and dishonorable discharge, and the House recedes with an amendment striking out the word "hereafter" in line 1, page 9, and the same word on line 24 of page 9.

Senate amendment 28 increases the appropriation for Corps of Engineers by \$15,312, and the Senate recedes.

Senate amendment 29 increases the appropriation for the Ordnance Department by \$4,536, and the Senate recedes.

Senate amendment 30 increases the number of master signal electricians by one, and the Senate recedes.

Senate amendment 31 increases the appropriation \$900, and the Senate recedes.

Senate amendment 38 increases the appropriation for the Hospital Corps by \$47,288, and the House recedes with an amendment reducing the increase by \$22,288.

Senate amendments 40, 41, 42, and 43 relate to the pay of clerks, messengers, and laborers at headquarters of territorial departments, districts, etc., and, together with Senate amendment 44, reduce the number and pay of these clerks, etc., and the House recedes.

Senate amendment 45 provides for additional pay of these employees while on foreign services \$9,000, and the House recedes.

Senate amendment 46 provides that on and after July 1, 1914, the pay of clerks and messengers at these headquarters, who are citizens of the United States, shall be increased 20 per cent while serving in the Philippine Islands, and that Filipino clerks may be employed at not to exceed \$500 per annum, and the House recedes with an amendment which provides that the

increase shall be \$200 each per annum, and that Filipino clerks may be employed only in cases of vacancies.

Senate amendments 64 and 65 appropriate a lump sum for dental surgeons in place of the number provided for in the House provision, and the Senate recedes.

Senate amendment 66 appropriates a lump sum for contract surgeons in place of the number provided for in the House provision, and the Senate recedes.

Senate amendment 76 provides for the appointment of heads of staff corps and departments and enlarges the power of the President, giving him a wider field for selection; this amendment also provides for a change in what is known as the detached service or manchú law, and the House recedes with an amendment which provides when the number of officers holding permanent appointments in any staff corps or department of the Army shall have been reduced below four, and a vacancy occurs in the office in the corps above that of colonel, any officer of the Army with rank above that of major who shall have served creditably for not less than four years by detail in said corps under the provisions of the act of February 2, 1901, shall be eligible for appointment to fill such vacancy; and with regard to the provisions of said amendment dealing with detached service it is provided that the detached-service law of 1912 be extended to field officers.

Senate amendment 77 strikes out the provision in the bill providing that hereafter any retired officer of the Army shall not receive any part of the appropriation for retired officers who shall act as agent or employee of any firm, company, corporation, or individual engaged in manufacturing for or selling to the Government any article or articles either directly or indirectly, and the House recedes.

Senate amendment 87 inserts the words "and expenses of taking depositions and securing other evidence for use before" courts-martial, and the House recedes with an amendment restoring the word "attending" struck out by the Senate and inserting after that the words "the same."

Senate amendment 88 reduces the amount to be paid the officer in charge of public buildings and grounds at Washington, D. C., from \$1,000 to \$500, and the House recedes.

Senate amendment 90 provides for an increase of \$50,000 in the appropriation for commutation of quarters, and the Senate recedes.

Senate amendment 98 provides for an increase of \$36,000 for pay to officers required to be mounted and who furnish their own mounts, and the House recedes with an amendment which cuts down the increase allowed by the Senate \$11,000.

Senate amendment 103 increases the item for pay of the officers of the Porto Rico regiment \$44,600, and the Senate recedes.

Senate amendment 105 increases the item for such officers for length of service by \$11,690, and the Senate recedes.

Senate amendment 107 increases the pay of enlisted men of this regiment by \$59,580, and the Senate recedes.

Senate amendment 108 increases the amount of pay for length of service of such men by \$5,000, and the Senate recedes.

Senate amendment 109 provides for making the Porto Rico regiment a full regiment of Infantry, and the House recedes with an amendment striking out both the Senate and House provisions.

Senate amendment 110 provides for the expenditure of \$25,000 out of the appropriation for encampment and maneuvers, Organized Militia, for the improvement either of the Tullahoma or Anniston maneuver grounds, as the Secretary of War may direct, and the House recedes.

Senate amendment 111 strikes out the House provision making it necessary to submit estimates to Congress as to the expenditure of money for the Organized Militia, and the House recedes.

Senate amendment 115 provides that the officers and enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged to the officers and enlisted men of the Navy and Marine Corps, and the House recedes.

Senate amendment 120 provides for the purchase and issue of instruments, etc., to the officers' schools, but does not increase the appropriation, and the House recedes.

Senate amendment 124 strikes out the House provision that no part of any appropriation shall be expended for horse shows, and the House recedes with an amendment which restores the language of the House bill and adds the following: "or horse races, but nothing in this proviso shall be held to apply to the officers, enlisted men, and horses of any troop, battery, or company which shall, by order or permission of the Secretary of War and within the limits of the United States, attend any horse show or any State, county, or municipal fair, celebration, or exhibition."



Senate amendments 126 and 128 transpose the amount appropriated from one part of the paragraph to another, and the House recedes.

Senate amendment 127 provides that \$6,000 of the appropriation for barracks and quarters be expended for the construction of a rostrum in the Presidio of San Francisco and that \$60,000 be appropriated for a library building at Fort Leavenworth, and the House recedes with an amendment providing that \$60,000 for the library building shall, in the discretion of the Secretary of War, be expended out of the sum appropriated for barracks and quarters.

Senate amendment 129 provides that private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading, and this amendment also provides that \$75,000 of the appropriation for the transportation of the Army shall be available for additional pay to employees on harbor boats in lieu of subsistence, and the House recedes.

Senate amendment 130 increases the appropriation for the transportation of the Army and its supplies by \$100,000, and the House recedes.

Senate amendment 131 increases the appropriation for roads, walks, wharves, and drainage by \$20,000, and the House recedes with an amendment which reduces the increase by \$10,000.

Senate amendment 133 inserts the words "construction and repair" before the word "maintenance," and the House recedes.

Senate amendment 134 provides for the modification of the organization of the Alaska Road Board and authorizes it to expend other moneys besides the sum appropriated in this bill, and authorizes the accounting officers of the Treasury to allow and credit in the accounts of First Lieut. Robert L. Weeks \$1,340 disallowed against him, and also fixes hereafter the allowances for an officer living with his family while serving as a member of said board in Alaska, and the House recedes with an amendment striking out all of the amendment of the Senate referring to the reorganization of the board and the expenditure of any money except that appropriated in this bill.

Senate amendments 135 and 136 transpose the amount appropriated from one part of the paragraph to another, and the House recedes.

Senate amendment 139 strikes out \$3,600 for rent of quartermaster storehouse, and the House recedes.

Senate amendment 140 reduces the total for rent of quarters for officers, etc., by \$3,600, and the House recedes.

Senate amendment 141 increases the amount for claims for damages to and loss of private property by \$1,437.34, and the House recedes.

Senate amendment 143 inserts the words "printing and binding" in the item for medical and hospital department, and the Senate recedes.

Senate amendment 144 increases the appropriation for the medical and hospital department by \$50,000, and the Senate recedes.

Senate amendment 145 provides for the removal of the Surgeon General's library to the Library of Congress, and the Senate recedes.

Senate amendment 147 provides for the settlement of accounts between the Engineer Department and other departments and bureaus of the Government, and the House recedes.

Senate amendment 148 increases the appropriation for ordnance service, \$50,000, and the House recedes.

Senate amendment 149 provides for the purchase of material for small-arms ammunition, and the Senate recedes.

Senate amendment 153 transposes the amount appropriated to the middle of the paragraph, and the Senate recedes.

Senate amendment 154 increases the appropriation for small-arms ammunition \$75,000, and the Senate recedes.

Senate amendment 155 inserts the words "and purchase of materials therefor" \$750,000 in the item for manufacture of ammunition, and the Senate recedes.

Senate amendment 157 transposes the amount appropriated from one part of the paragraph to another, and the Senate recedes.

Senate amendment 158 inserts the words "and purchase of materials therefor" in the item of manufacture of arms, and the Senate recedes.

Senate amendment 159 increases the appropriation for manufacture of arms by \$50,000, and the Senate recedes.

Senate amendments 162 and 163 insert the words "and the purchase of materials therefor" in the items of ammunition for field artillery and for field artillery, Organized Militia, and the Senate recedes.

Senate amendment 165 provides for the purchase and erection of a monument on the grave of Gen. Henry W. Lawton, and the Senate recedes.

On the amendments of the Senate 24, 113, 121, 123, 137, 161, and 164 the committee on conference has been unable to agree. Senate amendment 24 increases the amount of pay of enlisted men by \$1,221,762.

Senate amendment 113 increases the amount for subsistence of the Army by \$662,475.

Senate amendment 121 increases the amount for regular supplies by \$455,000.

Senate amendment 123 increases the amount for horses for Cavalry, etc., by \$65,285.

Senate amendment 137 increases the amount for clothing, camp and garrison equipage, by \$800,000.

Senate amendment 161 increases the amount for field artillery, Organized Militia, by \$1,350,000.

Senate amendment 164 increases the amount for ammunition for field artillery \$2,000,000.

These seven items aggregate \$6,554,522, the amount in disagreement between the two Houses.

The Senate receded from amounts aggregating \$709,006.

The House receded from amounts aggregating \$223,437.34.

JAMES HAY.

S. H. DENT, Jr.

JULIUS KAHN.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, will the gentleman from Virginia yield for a question?

Mr. HAY. I will; yes.

Mr. MANN. I did not know the conference report was coming up to-day until recently. What was done with the amendment with reference to moving the Surgeon General's library?

Mr. HAY. The Senate receded.

Mr. MANN. What was done in reference to the amendment in regard to the Alaskan cable?

Mr. HAY. The amount of \$50,000 was appropriated, the same as last year.

Mr. MANN. The Senate added an item of \$135,000.

Mr. HAY. They receded from \$85,000, and \$50,000 was appropriated.

Mr. MANN. That is the same as in the current law.

Mr. HAY. That is the same as in the current law.

Mr. MANN. Has the gentleman ever yet been able to ascertain what it cost to maintain the Alaskan cable?

Mr. HAY. I have not, but I have been able to ascertain it will cost much more to maintain it than we will receive from it.

Mr. MANN. Well, of course—

Mr. HAY. I mean by that that we will pay out more than we will receive in payment for the use which is made of it by the public.

Mr. MANN. Of course there is not charged to the Alaskan cable the cost of its operation; a very large share of the cost of maintenance is charged to the Regular Army.

Mr. HAY. Yes; that is true, of course, but we have to pay the money and it does not make any difference where it is charged.

Mr. MANN. I know we have to pay the money, and the fact it is not charged there makes it much more difficult to ascertain how much that is. I do not think anybody has ever been able to discover what the expense of maintenance and operation of the Alaskan cable is. Of course we know the signal office has discovered enough to know that they want to get rid of it, because it is very uncomfortable for them to maintain it where it costs so much money.

Mr. HAY. A very great burden upon them, and I do not blame them, when, as a matter of fact, it is mostly used by the public and not by the Army.

Mr. MANN. Why is it not just as much needed for the benefit of the Army now as it was when it was put there?

Mr. HAY. I suppose there is just as much need.

Mr. MANN. I will say frankly the signal-service office says there is no need of it now for the Army. I do not see any great difference myself between when it was put there and now.

Mr. HAY. There is no great difference, but the reason why it was put there by the Army was because they saw a way by which they could get the means to put it there. The reason given was that we had forts in Alaska.

Mr. MANN. I agree with the gentleman; the reasons given for putting it there, however, were quite different. The reasons given were that we had troops up there and we had to have a cable so as to have close connection with them.

Mr. HAY. I may say to the gentleman the War Department this year tried to get the Post Office Department to take this cable over, and made no estimate for that item. The Post Office Department would not take the cable over, so when the Army



bill went to the Senate they sent up a supplemental estimate and the Senate put in \$135,000, and we agreed on \$50,000.

Mr. MANN. If the gentleman will permit, I do not know whether I am opposed to Government ownership or not. A great many things I think the Government ought to own, some I doubt the practicability of, but I advise all of those who are closely or fully committed to Government ownership to examine into the ownership of the Alaskan cable, which after it has been constructed and is in operation the War Department seeks to get rid of because it can not afford to maintain and operate it; and the Post Office Department does not want to take it, because it believes that it will be operated at a loss.

Mr. HAY. That is true.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. I yield.

Mr. KAHN. As a matter of fact, the amount that was recommended by the department to the Senate was materially increased, because, as I understood it, they contemplated laying more cable. So, evidently the cables are needed in Alaska. The House bill had no provision whatever for this item when it went to the Senate.

Mr. MANN. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. MANN. Does the gentleman believe there is any place in the country where, if the people could get something constructed without expense to them, but at the expense of the Government, they would not ask to have the thing constructed if it was of any benefit to them at all?

Mr. KAHN. I rather guess any section of the country would be glad to have the Government lay cables or construct roads or anything that the Government might be inclined to construct; and yet the fact that the Signal Corps of the Army has asked for additional money to lay more cables would indicate to me that they wanted them for the Army.

Mr. MANN. I think the gentleman is mistaken. I do not think they have asked for more money to construct an additional cable.

Mr. HAY. They asked for \$496,000, a part of which was to be used in laying down a new cable, and then other items of expense which made up their whole estimate of \$496,000.

Mr. MANN. I have the items here, and there is not anything in them, as I see it, in reference to the construction of new cable.

Mr. HAY. I can only say to the gentleman that the War Department sent me as chairman of the Committee on Military Affairs a statement including an item for the laying down of a new cable. Whether that has been printed or not I do not know.

Mr. MANN. I have it right in my hand.

Mr. HAY. I do not think the item—

Mr. MANN. This was sent to the Committee on Appropriations. I think a similar one was sent to the gentleman's committee.

Mr. HAY. I do not know where it went. What I am talking about is the typewritten statement. I have never seen it in print. But the reason was that the old cable had worn out and would not last, and they wanted a new one.

Mr. MANN. I do not know. The items making up the \$496,754.39—and I suppose that is very accurate—are as follows:

Cost of enlisted men, including all additional pay, clothing, and rations, \$210,264.38; pay of six officers, \$21,513.24; cost of Quartermaster Corps of transportation, supplies, and personnel, \$56,976.77; cable ship *Burnside*, \$105,000; salaries, rents, and incidentals, \$54,258.21; supplies, \$15,741.79; repairs on cable ship *Burnside*, \$30,000; and commutation of quarters to officers and fuel and light, \$3,000.

The total is the amount that I gave. Now, they ask for an appropriation, if I recall rightly, for that in order that it might not be charged to the regular appropriation. They do not know and do not pretend to know how much of this is really chargeable to the Alaskan cable, because it is not practicable to tell.

Mr. HAY. Mr. Speaker, I desire to state that the conferees of the two Houses disagreed upon seven amendments, all of which amendments referred to increase of appropriations. One of them was as to the number of enlisted men to be provided for, another was for the subsistence of those enlisted men. One was for the supplies of the Army. One was for the clothing and camp and garrison equipage for the Army, and one was for horses—an increased appropriation for the purchase of horses. One was an increase of appropriation for the purchase of ammunition for field artillery and one was for the purchase of field artillery.

Mr. Speaker, had it not been for the fact that we are now practically in a state of war, I should have asked the House to

insist upon the disagreement and to insist that we should not recede from the amendments of the Senate. But under the existing circumstances and conditions I propose to move to concur in the Senate amendments when the proper time comes to make that motion. And I take it that now is the proper time.

Mr. MANN. No. You have not disposed of the conference report.

Mr. HAY. As soon as the conference report is agreed to I will make the motion. And in the meantime, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. MANN. Will the gentleman allow me to ask him one question?

Mr. HAY. Certainly.

Mr. MANN. What is the difference?

Mr. HAY. Six million five hundred thousand dollars.

Mr. MANN. On the seven items?

Mr. HAY. On the seven items.

Mr. MANN. Does the gentleman from Kentucky desire to address the House on the conference report or on these seven amendments?

Mr. SHERLEY. On the conference report.

Mr. Speaker, the conference report as agreed to by the conferees has a provision in it which prohibits the redetail of officers below the grade of lieutenant colonel, as I recall it.

Mr. HAY. For field officers.

Mr. SHERLEY. Yes, for field officers. Now, I am heartily in favor of that provision in its general aspect, but I do not believe that it ought to apply to the Ordnance Department, because of the peculiar character of the work now being performed in that corps by officers below the grade of lieutenant colonel. The work of those officers is of a highly technical character. They are practically specialists in the supervising of the manufacture of matériel, the making of powder and ammunition, and the building of guns. It would very seriously cripple the work of that department if they were required to have a field service—if men of the grade of major were required to have a field service before they could be redetailed to their work in the Ordnance Department. But, appreciating that we are in a position to-day in the House where it is important that this bill should become a law, and believing that the defeat of the conference report would perhaps result in considerable delay in the final passage of the bill, I shall not now oppose an adoption of the report. It is my understanding, after talking with the gentleman from Virginia [Mr. HAY], that a bill will be brought on the floor of the House shortly which will present this exception, which I think ought to be made in favor of the Ordnance Department; in other words, to permit the redetail of officers above the grade of captain, so as to include the redetail of majors as well as lieutenant colonels and those of a higher rank.

I simply felt that it was proper to make this statement so that it might not be considered that the action taken on the conference report now was to foreclose this matter.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. KAHN. I agree with what the gentleman says about the officers in the Ordnance Department. The chairman of the committee [Mr. HAY] called my attention to the attitude of the gentleman from Kentucky, and I agree with the chairman of the committee that a bill should be brought in to straighten out that matter.

Mr. SHERLEY. The only reason why I have taken occasion to say anything—because I am usually more than willing to follow the judgment of the gentleman from Virginia—is that as chairman of the subcommittee on fortifications I have had very intimate acquaintanceship with the work that is done by the Ordnance Department and the effect that this would have upon the efficiency of that corps. I do not desire to further delay the House, but I felt that it was proper that this statement should be made; and with the understanding I have stated, I shall not oppose the adoption of the conference report.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Speaker, during the 10 years that I have been a member of the Committee on Military Affairs of this House I have always believed in proper expenditures for the maintenance of an adequate military force. I have never cared for it to be an unnecessarily large force, but I have always maintained that it should be an efficient force, and I think we can safely say that the Army of the United States to-day is better prepared for any possible emergency than it has been at any previous time in the history of the country. [Applause.] We have a greater reserve of clothing, medical stores, small arms, and ammunition than ever before. That is as it should be.



The large appropriations that have been asked for by the War Department for the coming fiscal year might have been cut very materially in a number of the items that were disagreed to by the House conferees and the taxpayers of the country could have been saved what we considered unnecessary expenditures. The Army has been increased during the past year. Under the law of 1901 the President has the right to recruit and enlist men in the Army to the number of a hundred thousand. Up to a year ago the number of men in the Army had been less than 80,000. As I now recall the number was 77,500. I believe that number to be sufficient in time of peace. But during the present administration that number has been increased to about 85,000 men. A deficiency estimate of appropriation quite recently has been sent to Congress aggregating about \$3,500,000 to pay for the services of the additional men, their subsistence, their clothing, and their transportation.

Mr. Speaker, I have on a number of occasions criticized the present administration's policies. I believed and still believe the criticisms were justified. But I believe we have now reached a condition in the affairs of our country when I consider it a patriotic duty to vote for such appropriations as will enable the administration to carry out its program in regard to Mexico. Two hundred thousand dollars of the amount for Cavalry horses in this bill is made immediately available, and we have been told the War Department requires that money immediately for the purchase of necessary Cavalry horses. I therefore hope that this conference report will be adopted unanimously, in order that the administration and the War Department may be able to carry out their military plans.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Wisconsin?

Mr. KAHN. Yes.

Mr. STAFFORD. The chairman of the committee referred to the amendments that were disagreed to, but which he is going to move to agree to, as providing for an increase of the Army. Can the gentleman state the number of men that will be provided for if the amendment is adopted?

Mr. KAHN. The increase provided for in the present bill will take care of approximately 85,000 men.

Mr. HAY. Exclusive of the Philippine Scouts?

Mr. KAHN. Yes, of course; exclusive of Philippine Scouts.

Mr. MANN. Mr. Speaker—

Mr. HAY. I yield to the gentleman from Illinois.

Mr. MANN. Everybody wants to know what will be the procedure in case we get involved in more or less of a war—a real war—with Mexico, in regard to appropriations, and especially as related to the continuance of the session. I take it that the distinguished gentleman from Virginia, the able and accomplished chairman of the Committee on Military Affairs, which has control of appropriations, has been consulted by the administration to the extent of having knowledge as to what is likely to be the procedure, whether they will come in and ask for additional appropriations?

Mr. HAY. I will state to the gentleman that I have not been consulted by the administration, because, as I understand, the administration has not yet concluded that there is going to be war.

Mr. MANN. I take it that the administration has concluded that there is a liability of war.

Mr. HAY. That may be.

Mr. MANN. I should suppose that the administration for some time past has figured that there was a possibility of war.

Mr. HAY. Oh, yes.

Mr. MANN. I think no other reason could be given for the increase in the Army unless it was because of the ease of getting men to enlist in these hard times.

Mr. HAY. There has been no trouble in getting men to enlist, but not on account of hard times.

Mr. MANN. There was trouble in getting them to enlist in good times.

Mr. HAY. There is no more now than at any other time. As to when the administration is going to declare war, I have no more information than has the gentleman. If what he wants to know is how many soldiers—

Mr. MANN. I mean, what will be the procedure? Of course, the making of the annual appropriations for the military establishment is done through the military appropriation bill. We make other appropriations through the Committee on Appropriations in the deficiency bill. What I would like to know is, if the gentleman can inform us, if occasion arises, will we appropriate the money at once or will we have to stay here?

Mr. HAY. I think we can appropriate it and we will not have to stay here, although I have not been consulted in any way about it. I take it that before the volunteers can be called

out there will have to be a declaration of war. The President will have to be authorized by Congress to call out the volunteers. How many he will call out I do not know.

Mr. MANN. Does the gentleman recall what procedure we adopted in 1898?

Mr. HAY. Yes.

Mr. MANN. The \$50,000,000 appropriation had nothing to do with this.

Mr. HAY. No; the Committee on Military Affairs made all the appropriations for the Army proper—for the Volunteers, Regulars, supplies, subsistence, camp equipage, and horses, and all the various things that go to make up the needs of the Army. My recollection is that we made the appropriations and adjourned very soon thereafter. We adjourned in July, as I remember.

Mr. MANN. Yes; we adjourned in the first part of July.

Mr. HAY. We made all the necessary appropriations for the troops in the Philippines, which had then been acquired, and for all the other troops then in the field for the balance of that fiscal year, and adjourned. I do not take it that it would be necessary for us to remain here, if we do have war, and make appropriations by piecemeal, because I presume the President would call out troops enough to meet the situation. I think, as a matter of fact, the War College has worked out a plan and knows how many men it will require to take care of the situation if war should be determined upon.

Mr. MANN. They may have to learn it by experience.

Mr. HAY. Yes; but I think they have worked out a plan.

Mr. KAHN. Let me say that as far as volunteers are concerned there is a bill now pending for volunteers.

Mr. HAY. Mr. Speaker, I now yield to the gentleman from Ohio.

Mr. GORDON. I want to ask the chairman of the committee if in case Mexico declares war against the United States a declaration of war by Congress would be necessary?

Mr. HAY. I think so. Spain declared war against the United States first.

Mr. STAFFORD. As to the increase suggested by the Senate and approved of by the chairman of the committee, were those recommendations submitted to the committee when the House was in consideration of the bill providing for an increase of a standing Army to 85,000 men?

Mr. HAY. The estimate was for 85,000 men; yes.

Mr. STAFFORD. And there has been no provision arranged for in expectation of difficulties in Mexico?

Mr. HAY. No increase over the estimates made by the War Department.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FOSTER. Amendment 27 remains in the bill?

Mr. HAY. Yes.

Mr. FOSTER. As I understand, it provides where a court-martial has taken place and a sentence of confinement has been passed, the guilty man may be paroled and may go back to his command. Does this provide that if he is sentenced for two years in confinement he must serve those extra two years and then the time remaining of enlistment in order to receive an honorable discharge?

Mr. HAY. Yes.

Mr. FOSTER. So that all this does is to permit the man to receive an honorable discharge by serving such time with the company instead of having a dishonorable discharge?

Mr. HAY. Yes. It is for the purpose of rehabilitating a man who has been charged with desertion and has been found guilty.

Mr. FOSTER. Does not the gentleman think this ought to go a little further and that, notwithstanding a great many of these offenses, he might be placed back in the Army?

Mr. HAY. He may be.

Mr. FOSTER. I understand—and serve his time to the end of his enlistment without having to serve additional time?

Mr. HAY. The gentleman will observe that we have provided that this be tried for only one year.

Mr. FOSTER. Yes.

Mr. HAY. We did that for the purpose of seeing how it is going to work; and if it works as the War Department thinks it will, it will be made permanent law; but if it does not, it may be modified.

Mr. FOSTER. Mr. Speaker, I am very much in favor of that provision, because I think it is a splendid thing that there should be a parole instead of putting these young men in prison and dishonorably discharging them, and I want to compliment the committee for agreeing to such a provision.

Mr. HAY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.



The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. HAY. Mr. Speaker, I now move to concur in the seven Senate amendments to which the conferees have not yet agreed. The Clerk has the numbers.

The SPEAKER. The Clerk will report them, one at a time.

The Clerk read as follows:

Senate amendment No. 24: Page 6, line 15, strike out the figures "\$16,949,126" and insert the figures "\$18,170,884."

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes.

Mr. FITZGERALD. Mr. Speaker, if I understand the statement correctly, these amendments involve about six and a half million dollars?

Mr. HAY. Yes.

Mr. FITZGERALD. And it is the gentleman's purpose to move to concur in all of them?

Mr. HAY. In all of them; for the reason that we are now in a condition almost of war, and if this money is not appropriated upon this bill, it will have to be appropriated on some other bill.

Mr. FITZGERALD. I understand. What I wish to obtain some information about, if the gentleman will permit, is this: The amounts involved in these amendments would have provided for an army of 85,000 men?

Mr. HAY. Exclusive of the Philippine Scouts.

Mr. FITZGERALD. What is the Army at present?

Mr. HAY. At present it is about 85,000 men.

Mr. FITZGERALD. What was it when the appropriations for the current year were made?

Mr. HAY. The department estimated for the current year for 77,500 men.

Mr. FITZGERALD. That is since the 1st of last July?

Mr. HAY. Yes. The department estimated for this current year for 77,500 men, and I will say that the House and Senate gave the department every dollar it asked for. We did not cut the pay of the Army below the estimates. But before the fiscal year began, as I understand it, the President issued an order increasing the Army, and in the last three months the Army has been increased up to 85,000 men, which has resulted in a deficiency of about \$2,000,000 for pay and subsistence.

Mr. FITZGERALD. The gentleman means in the last six months?

Mr. HAY. In this current year; yes.

Mr. FITZGERALD. These appropriations will provide for 85,000 men in the Regular Army?

Mr. HAY. Yes.

Mr. FITZGERALD. Of course in our present condition the situation is such that no one can tell what will be required, but was it the purpose to increase the Regular Army permanently over what it had been during the last year of the Republican administration?

Mr. HAY. I do not know what the purpose was, but the order was issued.

Mr. KAHN. Mr. Speaker, will the gentleman yield—

Mr. FITZGERALD. There has been some discussion as to whether we should not recruit the Regular Army nearer to the 100,000 limitation because of the number of men which were supposed to be desirable to have outside of what we refer to as continental United States.

Mr. HAY. I will state to the gentleman that when the Secretary of War came before the Committee on Military Affairs to explain the bill which is now under consideration he stated that it was necessary to have 85,000 men, and upon being questioned he stated how many men he wanted to put in Panama, how many in Honolulu, and how many in the Philippine Islands.

Mr. FITZGERALD. That was on a peace basis.

Mr. HAY. That was on a peace basis. That accounted for 35,000 men, and the committee thought that if they put those 35,000 men on those stations abroad, that with 77,500 men that would leave 42,000 men for the United States, and we thought that was sufficient, and therefore we cut down the estimate made by the Secretary from 85,000 to 77,500, the same as was made for the last year, and the Senate put up the appropriation to meet the estimate made by the Secretary of War; and when we had this conference on this bill we were not then advised of the fact that we were going to a war with Mexico, and we refused to agree to the Senate amendment, and I was strongly of the opinion, and am now, that there should be a provision put into this appropriation bill saying that only the amount of money appropriated by the bill should be spent for the men

that we provided for and no more. And we have a precedent for that. Before the Spanish War the authorized strength of the Army was 30,000 men, but the Army bill always carried a provision that not more than 25,000 men should be paid out of the money provided.

Mr. FITZGERALD. Practically a limitation upon the appropriation?

Mr. HAY. A limitation upon the appropriation; and in time of peace I should be in favor of that now, so as to avoid increasing the Army beyond what is actually needed.

Mr. FITZGERALD. There has come within a short time certain urgent deficiencies estimated for the Army, aggregating, I think, three and one-half million dollars, some of it due to present conditions in Mexico, some of it due to increase in number of enlisted men in the Army. What I was seeking to have was the opinion of the gentleman from Virginia and of his committee as to whether it was believed to be necessary, in case these difficulties pass over, that the enlisted strength of the Army should be maintained at 85,000 men. That will add, it is said, about \$8,000,000, but it will probably cost about \$10,000,000 annually for the additional 8,000 men.

Mr. HAY. As I understand the position of the War Department, it is that they consider these men necessary. That is their contention.

Mr. FITZGERALD. Of course the War Department, in my experience and the experience of the gentleman from Virginia and the gentleman from California, regardless of politics, is interested in having the largest possible military establishment, because the larger the establishment the greater the opportunities for the officers, and Congress has always had a restraining hand upon that natural enthusiasm and interest of the professional military man.

Mr. HAY. And that was the reason why the Committee on Military Affairs cut down the appropriation to what they did.

Mr. FITZGERALD. How much will this bill carry over the current law if these amendments are concurred in?

Mr. HAY. It would carry about \$7,000,000 over the current law.

Mr. FITZGERALD. Making—

Mr. HAY. One hundred and one million dollars and some hundred thousand.

Mr. FITZGERALD. I understand the gentleman from Virginia to express the opinion that so far as he and his committee are concerned it is not believed that under ordinary circumstances it is necessary to expend annually that much money for the maintenance of the Army?

Mr. HAY. That is my opinion; yes.

Mr. MANN. Will the gentleman yield five minutes to me?

Mr. HAY. I yield five minutes to the gentleman from Illinois.

Mr. MANN. I do not know whether I will occupy that much time or not.

Mr. Speaker, the item under consideration is the item providing for pay of enlisted men of all grades, including recruits. The House passed the item with an appropriation of \$16,949,126. The Senate increased the amount to \$18,170,884, and this bill passed the Senate last month.

Mr. HAY. Passed the House last month?

Mr. MANN. Passed the Senate last month. The gentleman from Virginia [Mr. HAY], whom I regard as a very able chairman of the Committee on Military Affairs, informs us that he now moves to concur in the Senate amendments because of the situation that has occurred in the last few days. But the situation that had occurred a month ago caused the Senate to increase this amount to the amount that it is now proposed to agree to, and that amount only paid for the men now enlisted in the Army. No increase over the number that were then in the Army and are now in the Army. If the gentleman from Virginia had insisted upon reducing the amount provided by the Senate amendment, he would have insisted upon appropriating a less amount than would be sufficient to pay for the men now enlisted in the Army and a month ago in the Army.

Mr. HAY. Will the gentleman permit me? The gentleman does not seem to understand.

Mr. MANN. Do not tell me that. I do understand. Will the gentleman make his point?

Mr. HAY. I say you do not seem to understand that men go out of the Army every day.

Mr. MANN. Of course I know that.

Mr. HAY. The gentleman is misleading the House.

Mr. MANN. I am not misleading the House.

Mr. HAY. The gentleman states that we were not willing to appropriate for men who are now in the Army. Now, if we appropriated, say, for 77,500 men for the next current year, the Army could be reduced from its present number of 85,000 by stopping recruiting for one month. That would do it. And



every man that is in the Army now would be paid according to his contract.

Mr. MANN. The answer which the gentleman from Virginia makes is entirely fallacious. We appropriated last year for this number of men in the Army, about 77,000 of them. They have increased the number to 85,000, without any appropriation.

Mr. HAY. But that is no answer to what I said.

Mr. MANN. Yes; it is.

Mr. HAY. Oh, no; it is not.

Mr. MANN. And they were paid for, too.

Mr. HAY. The gentleman does not understand the proposition.

Mr. MANN. I understand it better than the gentleman does.

Mr. HAY. The gentleman thinks he understands every proposition better than anybody else does.

Mr. MANN. When some cheap fellow gets up in the House that is always the answer he makes to me. I am used to that. I did not say anything about what the gentleman was willing or unwilling to appropriate. I said, and I say now, the appropriation which the gentleman proposed to make would not have provided the pay for the Army as it stands, and as it stood a month ago. The Army has been increased to 85,000, whereas the current appropriation only contemplated an Army of 77,000 men. The gentleman gives an excuse, which is probably a valid one, that he proposes to take the Senate amendment on account of conditions arising during the last few days. But the conditions which caused the Senate to increase the amount were in existence when the Senate increased the amount. The Army had been increased to 85,000, and one of two conclusions is inevitable—either that the sum proposed by the House for the next year would have been too small or else the Secretary of War was not already warranted in increasing the Army by seven or eight thousand without receiving any appropriation by Congress. He had the appropriation of last year. He increased the Army. I am not endeavoring to criticize him. I have no desire to criticize the Committee on Military Affairs, but there is the situation. The President had the power to increase the Army, and he increased the Army to 85,000.

Mr. KAHN. Will the gentleman yield for a moment? I can throw a little light on the proposition so far as the matter before the Committee on Military Affairs of the House is concerned. Gen. Aleshire, when he was before the committee, stated that the appropriation they were asking for was for 80,117 men. That is practically the amount that the Committee on Military Affairs of the House allowed. They did not ask for 85,000 men before the House Committee on Military Affairs. The figures stated by Gen. Aleshire were 80,117 men.

Mr. MANN. At what time was Gen. Aleshire before the committee?

Mr. KAHN. We started on our hearings in December.

Mr. MANN. But between December and the time the bill passed the Senate and the time they appeared before the Senate committee the Army has been increased to about 85,000 men. I have no desire to criticize the increase. I rather think the situation warranted an increase, and I think also that everything that has warranted an increase has not occurred within the last three days nor since the trouble arose at Tampico.

Mr. HAY. Mr. Speaker, I want to put myself straight with the House. I think I know something about the Army.

The gentleman from Illinois [Mr. MANN] makes the statement that if the Army has been increased to 85,000 during the present current year, if we do not appropriate the amount that was estimated for by the War Department and the amount that was appropriated by the Senate, we will not have money enough for the Army next year, and that the House in cutting down the estimate of the War Department did not provide money enough for the Army as it now is. Mr. Speaker, that statement is misleading.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I did not make the first part of that statement. I made the last part.

Mr. HAY. If the gentleman did not make the first part of that statement, he made something very similar to it. I so understood it.

Mr. MANN. I beg the gentleman's pardon. That is the way the gentleman confused the situation a while ago.

Mr. HAY. I will be glad to have the gentleman state it.

Mr. MANN. What I stated was that the appropriation made by the House would not be sufficient to provide for the Army as it now is.

Mr. HAY. That is just what I tried to say.

Mr. MANN. The gentleman does not deny that.

Mr. HAY. The gentleman says that the appropriation provided by the House would not pay and maintain the Army as it

now is for the next fiscal year. I thought I stated that, and that is what I understood the gentleman to say.

That is true; and we did not desire to make an appropriation for an army of 85,000 men, which they now have. Our purpose was to appropriate for an army of 77,500 men, and in doing that we would not have interfered in any wise with the contract of any soldier who is now in the Army, because the terms of enlistment of men in the Army terminate every day, every week, every month, and by stopping recruiting for 30 days before the beginning of the fiscal year the Army would be reduced to 77,500 men, and the money which was provided for in the House bill would have been amply sufficient to pay for the 77,500 men who ought to be in the Army during the next fiscal year.

I have no criticism to make of the administration or of the Secretary of War for increasing the Army. It is a right which the President has. But I do maintain that the legislative branch of this Government has always exercised the right to hold the purse strings, and particularly to hold them over appropriations for the Army; and it ought to be shown beyond peradventure in times of peace that the number of men which are estimated for by the War Department are absolutely necessary for the uses and necessities of the country, and we ought not to appropriate any more money than is necessary. And the Committee on Military Affairs, in acting upon these estimates sent to us by the War Department, acted upon that assumption, that we were appropriating for an army on a peace basis, and that 77,500 men were ample for all the uses and necessities of this country during a time of peace.

Now we are confronted with a different condition of affairs, and I do not believe it would be the part of wisdom or the part of patriotism for us to haggle about appropriations for the necessary number of men in the condition which now confronts us.

Mr. Speaker, if it is in order, I move to concur in all the Senate amendments in one motion. I ask unanimous consent to move to concur in all the Senate amendments.

The SPEAKER. The gentleman from Virginia asks unanimous consent to move to concur in all the Senate amendments.

Mr. MANN. I think we should have the numbers of those amendments.

The SPEAKER. The Clerk will read the numbers of the amendments.

The Clerk read as follows:

Senate amendments 24, 113, 121, 123, 137, 161, 164.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. STAFFORD. Reserving the right to object, I notice in one amendment just read there is no number—the fourth one, as to the increase in the amount of cavalry.

The SPEAKER. That is number 123, which the Clerk read among the others.

Mr. HAY. Mr. Speaker, I yield to the gentleman from West Virginia.

Mr. AVIS. Mr. Speaker, in looking over the hearings before the committee, I find some information that may refresh the memory of the gentleman from Virginia. As I understand it, for the fiscal year ending June 30, 1914, appropriations were made for 77,500 enlisted men of the Army.

Mr. HAY. For the fiscal year ending June 30, 1914.

Mr. AVIS. At the time of the hearings before the Committee on Military Affairs in January the number of enlisted men in the Army was 80,117. In that connection, I might refresh the recollection of some gentlemen by calling attention to the fact that General Orders, War Department, March 30, 1912, and its subsequent modifications by direction of the Secretary of War, provided for an authorized strength of 89,566 enlisted men, including the Military Academy, but excluding the Hospital Corps, Philippine Scouts, Quartermaster Corps, and that the Secretary of War asked for an appropriation based on an estimate of 85,000 enlisted men anticipated for the fiscal year ending June 30, 1915; that the amendment we now ask the House to concur in is based on the estimate made by the Secretary of War for 85,000 men, which is a less number than that provided for by the general orders of March 30, 1912.

Mr. HAY. I now yield to the gentleman from California.

Mr. KAHN. Mr. Speaker, the matter that has just been brought out is of vital importance to this House and the Congress. The Army during the past year has been increased by a considerable number of men, and, so far as I have been able to learn, not a single member of the Committee on Military Affairs of the House or of the Senate was consulted in regard to the matter. The Congress must furnish the money to pay these men. The wisdom of or the necessity for the increase I do not desire to discuss at this time. The President has the right to recruit the Army to the full extent of 100,000 men, but it is Congress that must furnish the money to pay and equip



them. I fully agree with the statement made by the chairman of the committee [Mr. HAY] that Congress should still hold its hands on the purse strings of the Nation. But I am convinced that it is our patriotic duty to vote for the increased amounts contained in the Senate amendments, in view of the situation regarding Mexico, and I hope that the motion of the gentleman from Virginia will prevail.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HAY. I move to concur in all the Senate amendments.

The motion was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote whereby the Senate amendments were concurred in was laid on the table.

#### VOLUNTEER FORCES OF THE UNITED STATES.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7138) to provide for raising volunteer forces of the United States in time of actual or threatened war, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 7138) to provide for raising volunteer forces of the United States in time of actual or threatened war.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4980. An act to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914.

#### ADJOURNMENT.

And then, on motion of Mr. UNDERWOOD (at 6 o'clock and 5 minutes p. m.), the House adjourned until to-morrow, Thursday, April 23, 1914, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARNHART, from the Committee on Printing, to which was referred the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported the same without amendment, accompanied by a report (No. 564), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 15036) to provide for the disposition of the surface of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals, reported the same with amendment, accompanied by a report (No. 565), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7068) granting a pension to Emma L. Parker, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee of the Whole House on the state of the Union.

By Mr. GEORGE: A bill (H. R. 15903) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 15904) to create a bureau for the deaf and dumb in the Department of Labor and prescribing the duties thereof; to the Committee on Education.

Also, a bill (H. R. 15905) providing for the payment of assessments on Indian allotments benefited by the construction of ditch and drainage systems in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof; to the Committee on the Public Lands.

By Mr. BARCHFELD: A bill (H. R. 15908) to promote the efficiency of the United States Marine Band, and fixing the pay and allowances of the members thereof; to the Committee on Naval Affairs.

By Mr. KEATING: Resolution (H. Res. 489) authorizing the printing of 1,000 copies of revised hearings pertaining to certain Indian wars as a House document; to the Committee on Printing.

By Mr. SUTHERLAND: Resolution (H. Res. 490) authorizing the printing of Public Health Service Bulletin No. 51, third edition, entitled "The Causation and Prevention of Typhoid Fever"; to the Committee on Printing.

By Mr. McLAUGHLIN: Resolution (H. Res. 491) requesting certain information from the President of the United States; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 15909) to remove the charge of desertion from the military record of Jackson Brown; to the Committee on Military Affairs.

By Mr. BELL of Georgia: A bill (H. R. 15910) granting an increase of pension to Lucretia Corbin; to the Committee on Pensions.

Also, a bill (H. R. 15911) granting an increase of pension to Catherine G. Hicks; to the Committee on Pensions.

Also, a bill (H. R. 15912) granting an increase of pension to Laura A. Turner; to the Committee on Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 15913) granting a pension to Jennie Oliver; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 15914) granting a pension to George Herman; to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 15915) granting an increase of pension to Horatio P. Smith; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 15916) granting a pension to Sarah J. Harbeson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15917) granting a pension to Carrie Walker; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 15918) for the relief of Georgeanna A. Brannan, dependent mother of John Douglas Malone; to the Committee on Claims.

By Mr. GITTINS: A bill (H. R. 15919) granting an increase of pension to John M. Starks; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 15920) granting an increase of pension to James Lewis; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 15921) granting an increase of pension to Elizabeth I. Pulsipher; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 15922) granting an increase of pension to Francis O. Nash; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15923) granting a pension to W. W. Batterton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15924) granting an increase of pension to James Baker; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 15925) granting an increase of pension to Frederick C. Hammetter; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 15926) granting a pension to Ruth A. Briton Ingraham; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 15927) granting a pension to Melvin P. Campbell; to the Committee on Pensions.

By Mr. MANAHAN: A bill (H. R. 15928) granting a pension to Wilmot Stevens; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 15929) for the relief of Samuel T. Baker; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 15930) granting an increase of pension to Joseph C. Gluck; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 15931) granting an increase of pension to William H. Hampshire; to the Committee on Pensions.



By Mr. SELDOMRIDGE: A bill (H. R. 15932) to remove the charge of desertion from the military record of B. Frank Smythe, alias Martin M. Smith, and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. SMITH of Minnesota: A bill (H. R. 15933) granting an increase of pension to George W. Lavery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15934) for the relief of Mrs. Joseph Cameron; to the Committee on Claims.

By Mr. VOLLMER: A bill (H. R. 15935) granting a pension to Charlotte E. Coplan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15936) granting a pension to Virginia Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15937) granting a pension to Amanda Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15938) granting a pension to Phoebe A. Ludwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15939) granting a pension to J. A. McLoskey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15940) granting a pension to Michael McInery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15941) granting a pension to Carrie Record; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15942) granting a pension to Letta E. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15943) granting a pension to William M. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15944) granting an increase of pension to Otto Burkart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15945) granting an increase of pension to Lee Henning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15946) granting an increase of pension to Benjamin Notley James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15947) granting an increase of pension to William H. McCune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15948) granting an increase of pension to Samuel P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15949) granting an increase of pension to Rufus W. Rosenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15950) granting an increase of pension to John A. Rowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15951) granting an increase of pension to Ben van Steinburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15952) granting an increase of pension to William P. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15953) for the relief of George Humphrey; to the Committee on Military Affairs.

Also, a bill (H. R. 15954) for the relief of Ella G. Richter; to the Committee on Military Affairs.

Also, a bill (H. R. 15955) for the relief of Charles W. Tappan; to the Committee on Military Affairs.

Also, a bill (H. R. 15956) for the relief of Charles Max Wittig; to the Committee on Claims.

By Mr. WINSLOW: A bill (H. R. 15957) granting an increase of pension to Imogene M. Draper; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Industrial Council, of Kansas City, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Bible College and Institute for Civic and Social Betterment, favoring the Smith-Hughes bill, relative to moral tone of moving pictures; to the Committee on Education.

Also (by request), memorial of citizens of Fort Worth, Tex., favoring censorship of motion pictures; to the Committee on Education.

Also (by request), memorial of citizens of Indiana and Michigan, protesting against practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of 683 citizens of Bradford County, Pa., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 170 citizens of Wayne County, Pa., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of 1,330 citizens of Susquehanna County, and 60 citizens of Wyoming County, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 119 citizens of Ashland County, Ohio, against prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of voters of Roaring Springs, Johnstown, Juniata, and Altoona, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of S. L. Buck, J. B. Black, A. B. Hoffman, C. L. Walter, Adam Beach, D. B. Snoberger, Lee Furry, L. B. Furry, C. E. Johnson, G. K. Beach, Ira L. Campbell, Irvin Furry, Sherman H. Baker, D. R. Reasy, S. B. Snoberger, B. N. Ebersole, J. H. Stuckey, Ray Mentzer, H. B. Ober, J. D. Metzger, D. C. Frederick, jr., and G. R. Campbell, all of New Enterprise, Pa., and J. F. Himes, of Saxton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of I. J. Detwiler, W. E. Baker, A. T. Replogle, A. N. Walter, J. W. Baker, A. R. Musselman, C. R. Holsinger, I. S. Baker, P. K. Brown, H. S. Stonerock, J. W. Reininger, and J. M. Woodcock, all of Waterside, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petition of citizens of Cumberland County, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of temperance mass meeting at Nashville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of Swedish-American Beneficial Society Redligheten, of Braddock, Pa., favoring erection of a memorial to John Ericsson; to the Committee on Appropriations.

By Mr. BARTHOLDT: Petition of Central Trades and Labor Union of St. Louis, Mo., representing 65,000 workingmen, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 1,768 citizens of the tenth congressional district of Missouri, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BATHRICK: Petitions of J. C. Wilkin, of Kent, Ohio, and 20 citizens of Warren, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Smith & Holden, New York City, relative to a bill creating a standard barrel for fruits, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. BROWNE of Wisconsin: Petitions of 126 citizens of Waushara County, and 39 citizens of Clintonville, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Wood and Marathon Counties, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of citizens of Merchantville, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 14 citizens of Westmont and Haddonfield, 19 of Elmer, and 34 of Collingswood, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of Charles Zoller Co., John Hoelzel, O. J. Gude Co., M. Diehl, Henry Gieseler, Michael Harlahan, Sam Jones, Arthur E. Noel, and Louis Baron, all of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of memorial committee of the Grand Army of the Republic, of New York, protesting against any change in the flag; to the Committee on the Judiciary.

Also, petitions of Josef Vogt and Socialist Party of The Bronx, N. Y., favoring investigation of mining troubles in Colorado; to the Committee on Rules.

Also, petition of Association of Master Plumbers of New York City, favoring passage of House bill 14288, relative to contracts for public buildings; to the Committee on Public Buildings and Grounds.

Also, memorial of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, favoring passage of House bill 7374, widows' and orphans' pension bill; to the Committee on Pensions.

Also, petition of the American Society of Marine Draftsmen, relative to leave of absence of per diem employees of the United States classified service; to the Committee on Naval Affairs.

Also, petition of the Home Insurance Co., of New York City, favoring passage of bills for flood protection; to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of 999 voters of the sixth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Papers to accompany bill granting an increase of pension to Horatio P. Smith; to the Committee on Invalid Pensions.



Also, petition of Methodist Episcopal Church, Coleman, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CONRY: Petitions of voters of the fifteenth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petitions by 9 citizens of the third California congressional district, against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petitions of Rev. R. E. Brown and 47 others; Rev. M. R. Webster; Rev. W. W. Dailey; Rev. G. B. F. Hallock; Men's Class of Second Baptist Church; C. A. McAlpine; Rev. E. S. Shepard; Rev. F. J. Tower; H. F. Beardsley and 8 others; Twelfth Ward Woman's Christian Temperance Union; Rev. J. M. Hutchinson; S. H. Hutchinson; B. E. Hodges; J. A. Gillies; Rev. A. N. Smith, of Advent Christian Church; L. G. Wetmore and 4 others; and W. R. Betteridge, all of Rochester, N. Y.; Rev. Silas Mosteller, of Industry; Rev. R. C. Hallock, of Scottsville; Rev. Benjamin Copeland, of Charlotte; B. H. Diver and Charles M. Diver, of West Henrietta; Walter Euler and 7 others, of Rush; Rev. W. B. Robinson, of Brockport; J. A. Fellows, of Henrietta; Rev. F. H. Dickerson, of North Chili; E. L. Rising, of Weedsport; M. L. Rising, of Weedsport; Rev. G. H. Hobart, of Morton, N. Y.; and National Temperance Society and Publication House, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. R. Hinkley and 8 others of Hunt, N. Y., favoring the proposed 5 per cent increase in freight rates; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: Petitions of sundry citizens of the State of Kansas, favoring bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

By Mr. DYER: Petitions of Richard Campbell, Bauer Bros. Baking Co., Trorlicht Duncker Carpet Co., Equitable Surety Co., St. Louis Wire & Iron Co., Standard Scale & Fixture Co., C. L. Holman, Automobile Gasoline Co., Woodward & Tiernan Printing Co., Laclede-Christy Clay Products Co., the Wesco Supply Co., Donk Bros. Coal & Coke Co., George J. Fritz Foundry & Machine Co., Uhlenhaut Bros. Wagon Co., Halsey Automobile Co., Herf & Frerichs Chemical Co., Geller-Ward-Hasner Hardware Co., Pfoertner-Lehmann Machine Co., Charles S. Ruckstuhl, D. G. Cook, A. & J. F. Lee, E. R. Hensel Steel & Copper Co., Ferd. Messmer Manufacturing Co., David Kreyling, Harry Cordes, eight citizens, George M. Farland, Charles P. Stanley Cigar Co., Handlan-Buck Manufacturing Co., Lyman T. Hay, Capen Belting & Rubber Co., Greeley Printery of St. Louis, the Dietrich Art Co., Heine Safety Boiler Co., Wagner Electric Manufacturing Co., Union Rubber & Supply Co., Reliance Machine & Tool Works, Buxton-Skinner Printing & Stationery Co., Byrnes Belting Co., and the Ruemmel-Dawley Manufacturing Co., all of St. Louis, Mo., and also a petition signed by 450 citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of members of Local No. 134, International Brotherhood of Electrical Workers, of Chicago, Ill., favoring passage of Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Unions of Blythedale, Rutledge, and Pike County, Mo.; Sunapee, N. H., and Ridgeway, Mo.; G. A. Barrett, Minneapolis, Minn.; Nellie G. Burger, president Missouri Woman's Christian Temperance Union; L. R. Woods, St. Louis, Mo.; the Methodist Missionary Society, Lexington, Mo.; Mrs. W. T. Bell, Lexington, Mo.; Mrs. F. P. Blaisdell, Epping, N. H.; the Woman's Christian Temperance Union of Ford City, Mo.; Mr. and Mrs. A. G. Diehl, Moberly, Mo.; the Woman's Christian Temperance Unions of Hurland, Jamesport, and Mount Vernon, Mo.; Ben Franklin, Macon, Mo.; S. R. A. Guthrie and Ben Eli Guthrie, Macon, Mo.; C. G. Buster, Macon, Mo.; Earl Edwards, Macon, Mo.; the Woman's Christian Temperance Union of Liberal, Mo.; citizens of Clark, Mo.; citizens of Bellflower, Mo.; Swedish-Americans of Florence and Berry Counties, Mo.; the Woman's Christian Temperance Unions of Nichols, Campbell, and Lewistown, Mo.; the Euclid Avenue Baptist Church, St. Louis, Mo.; the Woman's Christian Temperance Union of Missouri; Mrs. T. B. Rauch, Morehouse, Mo.; Albert Skinner, Macon, Mo.; F. W. Gieselman Dry Goods Co., Macon, Mo.; the Men's Congregational Brotherhood of Holliston, Mass.; Andrew Robinson, Pierce City, Mo.; Lyra A. McCracken, Diamond, Mo.; the Woman's Christian Temperance Unions of Pattonburg and Louisiana, Mo.; Lucius L. Smith, Helena, Mo.; Charles Platz, Bethany, Mo.; the Woman's Christian Temperance Union of Holden, Mo.; 10 citizens of Chillicothe, Mo.; 25 citizens of Cyrene, Mo.; 25 citizens of Parma, Mo.; the Woman's Christian Temperance Union of Kansas City,

Mo.; Nellie Bruff, Pierce City, Mo.; 10 citizens of Altamont, Mo.; the Woman's Christian Temperance Unions of Macon and Mount Vernon, Mo.; Mae Woods, Mount Vernon, Mo.; the Woman's Christian Temperance Unions of Sikeston, Mo., Taylorsville, Pa., and Hannibal, Mo.; Robinson Bros., Macon, Mo.; the Woman's Christian Temperance Union of St. Louis, Mo.; T. D. Kimball, Kirkwood, Mo.; C. A. May, St. Louis, Mo.; the Ladies' Mission, Lexington, Mo.; 6 citizens of Atlanta, Mo.; J. C. Brown, St. Louis, Mo.; and Reo Cater, Macon, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Harry F. Ewald, secretary St. Louis Iron & Machine Works, St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of sundry citizens of Black River Falls, Wis., favoring passage of national prohibition; to the Committee on the Judiciary.

Also, memorial of United Commercial Travelers of America, favoring passage of Senate bill 1337, favoring creation of coast guards; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of 1,932 voters of the seventh New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FRENCH: Petition for national farm-land bank bill, from citizens of Aberdeen, Idaho; to the Committee on Banking and Currency.

By Mr. GARNER: Memorial of Los Angeles Society for the Study and Prevention of Tuberculosis, favoring House bill 12864; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petitions of 715 voters of the twenty-third New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of Rev. Rufus C. Flagg and 2,805 other residents of the first congressional district of Vermont, for a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HAMMOND: Petitions of retail and wholesale tobacco dealers, merchants, druggists, etc., of the State of Minnesota, favoring the anticoupon bill; to the Committee on Ways and Means.

By Mr. HAYES: Petition of Circle No. 56, Ladies of the Grand Army of the Republic, Richmond, Cal., against change in United States flag; to the Committee on the Judiciary.

Also, petition of citizens of Mountain View, Cal., favoring amendment to postal and civil-service laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Mountain View and Arroyo Grande, Cal., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. IGOE: Petition of L. H. Grone, St. Louis Iron & Machine Works, and Joseph D. Bascom, all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, a petition signed by 3,392 citizens of the eleventh congressional district of Missouri, protesting against H. J. Res. 168, S. J. Res. 88, and S. J. Res. 50, or any similar prohibition measures; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of 1,963 citizens of Butler, 475 citizens of Monessen, 583 citizens of Vandergrift, 350 citizens of Portersville, 250 citizens of Harrisville, 40 citizens of Irwin, 58 citizens of Conoquenessing, 80 citizens of East Butler, 139 citizens of Bruin, 215 citizens of West Sunbury, 300 citizens of Chicora, 208 citizens of Valencia, 93 citizens of North Butler, 150 citizens of Evans City, 60 citizens of Branchton, 320 citizens of Middlesex, 115 citizens of Eau Claire, 125 citizens of East Unity, 200 citizens of Mars, 139 citizens of West Unity, 296 citizens of Hooker, congregation of the Petrolia Presbyterian Church, and citizens of Monessen, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of western Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of 12,313 citizens of Michigan, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of 60 citizens of Ypsilanti, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorials of Calvary Baptist Church Brotherhood, of Providence; Albert E. Hayes, M. D., of Providence; Baraca Class of United Presbyterian Church, Central Falls; Pawtucket Woman's Club, of Pawtucket; all in the State of Rhode Island, favoring nation-wide prohibition; to the committee on the Judiciary.

Also, petitions of Roger Williams Baptist Church and First Presbyterian Church of Providence, First Baptist Sunday



School and First Presbyterian Church of Woonsocket, and voters of Cumberland, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENT: Petition of citizens of Chico and Humboldt County, Cal., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. KETTNER: Petition of Riverside (Cal.) Chamber of Commerce, favoring appropriation for Mojave River; to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of Riverside, Cal., favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

By Mr. KIESS of Pennsylvania: Papers to accompany House bill 15858, for the relief of William Burnell; to the Committee on Invalid Pensions.

Also, petitions of citizens of the fifteenth congressional district of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany a bill for relief of Martin Ball; to the Committee on War Claims.

By Mr. LEVY: Petitions of Charles Zoller Co. and the O. J. Gude Co., New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Yale & Towne Manufacturing Co., of New York City, favoring passage of House bill 13305, relating to standardization of prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of Association of Master Plumbers of New York City, favoring House bill 14288, relative to contracts for public buildings; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS of Maryland: Petitions of members of the Socialist Party, Progressive Labor Lyceum of Baltimore, Md., protesting against conditions in the State of Colorado; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of 399 members and others of the General Baptist Church, by Rev. W. T. Winstead, of Fort Branch; Oak Grove General Baptist Church, by Rev. U. O. Beadles, of Oakland City; General Baptist Church, by Rev. Clarence Alman, of Owensville; Bethlehem General Baptist Church, by Rev. A. D. Barker, of Fort Branch; Friendship General Baptist Church, by Rev. J. E. Stone, of Boonville; General Baptist Church, of Tennyson; Centenary General Baptist Church, by James R. Barnett, of Yankeetown; Wadesville General Baptist Church, by Rev. L. A. Stone, of Wadesville; Mount Pleasant General Baptist Church, by Rev. A. D. Baker, of Mount Vernon; Mount Olivet General Baptist Church, by Rev. Joseph J. Anderson, of Poseyville; Bethesda General Baptist Church, by Rev. George Leathers, of Mount Vernon; Old Union Baptist Church, by Rev. J. C. Cummins, of Mount Vernon; Christian Endeavor Society of Ebenezer Church; First Creek Association Church, of Mount Tabor; General Baptist Church, by Rev. J. C. Cummins, of Columbia; Flatcreek Church, by Rev. J. B. Hayden, of Pike County; Mount Zion General Baptist Church, by Rev. C. E. Barrett, of Winslow; Bethel Church, by Rev. Claud Neal, of Winslow; Pleasant Grove Church, by Rev. C. E. Barrett, of Velpen; General Baptist Church, by Rev. J. B. Hayden, of Winslow, all in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Clark County, Mo., and Newark, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MCGILLICUDDY: Petitions of Rumford Grange, No. 115, of Rumford; Mount Cutler Grange, No. 152; and Topsham Grange, No. 37, of Topsham, all of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Lewiston; Leeds Grange, No. 99, of Leeds; and Nelson Dingley Lodge, Independent Order of Good Templars, of Rockland, all of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Memorial of the Nazarene Sunday School, Lincoln, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of 473 voters of the tenth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MITCHELL: Petitions of officers of Local No. 92, B. I. L., thirteenth congressional district, and sundry citizens of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry voters of Holliston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELEY of Kansas: Petition of citizens of Reding and Claflin, Kans., against national prohibition; to the Committee on the Judiciary.

Also, petition of Local Unions Nos. 210 and 258, United Mine Workers of America, of Weir City, Kans., relative to strike situation in Colorado; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petitions of 2,839 citizens of the second congressional district of Vermont; Walter C. Twing and 17 others, and 5 towns of Windsor County, Vt., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Waslin Grange, No. 268, Patrons of Husbandry, favoring passage of H. R. 11897, rural farm-credit bill; to the Committee on Banking and Currency.

Also, petition of Mrs. M. A. Twing and 9 others of the State of Vermont, protesting against Sunday-observance law; to the Committee on the District of Columbia.

Also, petition of Henry A. Daw, of Cabot, Vt., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petitions of Charles H. Dancose, Aristoller Papanostasia, Edouard J. Grenier, Frank X. Laflamme, James W. Flaherty, H. C. Graupner, William Richardson, Charles B. Herrick, Arthur Provost, Anselme A. Provost, Joseph E. Provost, and Thomas Laughten, all of Manchester, N. H., opposing national prohibition of liquor traffic; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petitions of Hermanns-Soehne Maenner-Chor of New Haven and the Central Labor Union of Meriden, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of residents of Somerville, Mass., favoring the passage of House joint resolution 168, being an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

By Mr. ROGERS: Petitions of citizens of Lowell, Mass., protesting against the Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. SCULLY: Petition of Newark (N. J.) Photo-engravers' Union, favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petitions of citizens of Monmouth County, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Board of Trade of Perth Amboy, N. J., protesting against the assignment of Perth Amboy to any other reserve-bank district than New York; to the Committee on Banking and Currency.

By Mr. SELDOMRIDGE: Petition of the Woman's Christian Temperance Union and sundry voters of Delta, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SWITZER: Petitions of 25 citizens of Crown City, 500 citizens of South Point, 900 citizens of Ironton, 23 citizens of Rutland Village, 57 citizens of Ironton, 1 citizen of Oak Hill, 1 citizen of Athens, 1 citizen of South Point, Germania Lodge, No. 135, 53 citizens of Nelsonville, 27 citizens of Jackson, 41 citizens of Wellston, 91 citizens of Gallipolis, 81 citizens of Portsmouth, 20 citizens of Jackson, 25 citizens of Gloucester, and 723 citizens of Portsmouth, all in the State of Ohio, against the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. TAVENNER: Petitions of citizens of the fourteenth Illinois congressional district, protesting against the passage of the Hobson, Sheppard, and Works resolutions; to the Committee on the Judiciary.

Also, petitions of citizens of the fourteenth Illinois congressional district, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Jean A. Pope, East Moline, Ill., favoring passage of the migratory-bird bill; to the Committee on Agriculture.

Also, petition of A. D. Sperry, of Rock Island, Ill., protesting against the Mississippi River being closed to shooting; to the Committee on Interstate and Foreign Commerce.

By Mr. TEN EYCK (by request): Petition of 150 citizens of the twenty-eighth congressional district of New York, against the Hobson, Sheppard, and Works resolutions relative to national prohibition; to the Committee on the Judiciary.

By Mr. THACHER: Petition of sundry citizens of Marthas Vineyard, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VOLLMER: Petition of Young Men's Christian Associations and citizens of Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of 353 voters in the thirtieth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of sundry citizens of North Dakota, favoring national prohibition; to the Committee on the Judiciary.